

National Fraternal Order of Police PAC  
309 Massachusetts Ave., N.E.  
Washington, DC 20002  
March 7, 2003

RECEIVED  
FEDERAL ELECTION  
CAMPAIGN  
COMMISSION  
2003 OCT -9 P 2:47

AOR 2003-29

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, DC 20463

Re: Request for Advisory Opinion

Dear Commission:

I am writing to request an advisory opinion concerning the transfer of funds from the nonfederal account of a state political action committee to a separate segregated fund registered with the FEC. Additionally, we request guidance as to whether the Fraternal Order of Police of Ohio PAC (a state PAC) is affiliated with the National Fraternal Order of Police PAC for the purpose of transferring funds.

According to 11 CFR §100.5(g)(3)(iv), an SSF of a national membership organization is affiliated with the SSFs established by its related state and local entities. The Fraternal Order of Police is a 501(c)(8) incorporated tax-exempt fraternal membership organization with state and local lodges in forty-three states. Political committees registered with the FEC by any of these lodges are automatically affiliated with the National Fraternal Order of Police PAC.

However, many of the state lodges have organized nonfederal or state political action committees that do not require registration with the FEC. It is my understanding that should the Fraternal Order of Police of Ohio PAC wish to make a contribution to the National Fraternal Order of Police PAC, any contribution, regardless of amount, would trigger the requirement to register as a federal committee.

In lieu of making a contribution that would result in registration and reporting requirements for the state PAC, can the Fraternal Order of Police of Ohio PAC transfer funds to the National Fraternal Order of Police PAC? 11 CFR §102.6(a) allows a federal PAC to receive unlimited transfers from affiliated committees, whether or not they are political committees under the Act. For the purpose of making a transfer from a state PAC to a federal PAC, the Commission recognized in AO 1982-52 that two political committees might be considered affiliated even though one is not defined as a political committee under the Federal Election Campaign Act of 1971 ("the Act"). However, the advisory opinion involves the transfer of funds from a candidate's state campaign committee to the federal campaign committee, whereas the Fraternal Order of Police of Ohio PAC was established by the individual state lodge and the National Fraternal Order

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COUNSEL

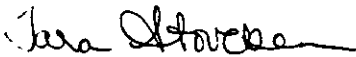
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of Police PAC was established by the parent organization. Does this affect whether state PACs are affiliated with the National Fraternal Order of Police PAC for the purpose of making a transfer?

Because these state PACs are regulated by state law, the source of the funds in the bank accounts may be permissible under state law but not under the Act. Assuming it is acceptable under the guidelines to transfer funds from a nonfederal political committee established by an affiliated organization to the federal committee, how is it determined whether the funds to be transferred are from permissible sources? Specifically, the Fraternal Order of Police of Ohio PAC collects funds solely through solicitations by the Ohio State Lodge. These solicitations are not limited to members, but all individual contributions are recorded (corporate and union contributions are prohibited). For example, membership information, amount of the contribution, and name and address of the contributor are duly recorded. On the bottom of the solicitation form, it states, "a portion of each contribution may go to support the FOP PAC." From the contributions, approximately \$1.50 per member is set aside for the PAC. The solicitation does not indicate that the funds designated for transfer would be used in connection with a *federal* election, but federal and state law permits the Fraternal Order of Police of Ohio PAC to contribute up to \$1,000 to a candidate for federal election. Must the contributors be informed that their contribution may be used in connection with a federal election, or may consent be applied after the initial contribution was made?

I look forward to your response to this request. Should you require clarification as to the nature of the advice requested or need additional facts related to this request, please do not hesitate to contact me at (202) 547-8189.

Respectfully submitted,



Tara Stoveken  
Legislative Assistant



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 20, 2003

Tara Stoveken  
Legislative Assistant  
National Fraternal Order of Police  
309 Massachusetts Ave., N.E.  
Washington, D.C. 20002

Dear Ms. Stoveken:

This refers to your letter dated March 7, 2003, on behalf of the National Fraternal Order of Police PAC ("NFOP PAC"), concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the receipt of funds from the Fraternal Order of Police of Ohio PAC ("Ohio FOP PAC").

You state that the National Fraternal Order of Police ("NFOP") is a 501(c)(8) incorporated tax-exempt fraternal membership organization with State and local lodges in 43 States. You assert that political committees registered with the Commission by any of these lodges are automatically affiliated with NFOP PAC. Many of the State lodges, however, have only non-Federal PACs that are not required to register with the Commission, such as Ohio FOP PAC.

You wish to know whether Ohio FOP PAC, which is not currently a political committee, is considered an affiliated committee of NFOP PAC, so that it can transfer funds to NFOP PAC in amounts that are not subject to the Act's limitation on contributions at 2 U.S.C. 441a(a)(1)(C) in accordance with 11 CFR 102.6(a). You note that, under Ohio State law, OHIO FOP PAC can receive donations that are permissible under State law but would be impermissible under the Act. If a transfer is permitted without limitation, you wish to know how to determine whether the transferred amount is composed of funds that are permissible under the Act.

You state that OHIO FOP PAC collects donations solely through solicitations by the Ohio lodge but that these solicitations are not limited to members. Corporate and union contributions are prohibited and all individual contributions are recorded, including membership information, the contribution amount, and the contributor's name and address. You state that the bottom of the solicitation form states that "a portion of each contribution may go to support [N]FOP PAC," and you inform us that "\$1.50 per member" is set aside for NFOP PAC. In connection with this, you note that the

solicitation does not indicate that the funds will be used in connection with a Federal election, and you ask whether the donors must be so informed or whether they may give their consent after the initial donation is made.

The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). The regulations further explain that the Office of General Counsel shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d).

In view of the above requirements, please provide responses to the following requests for information and documents. These questions pertain to the nature of the relationship between the NFOP and the Ohio State lodge, and to the solicitation and transfer of funds to NFOP PAC. If parts of the responses to questions 2 and 3 are to be found in the documents submitted in response to question 1, you may denote which sections of the documents are responsive in lieu of explanations with respect to those particular issues.

- (1) Please provide copies of the articles of incorporation and bylaws of the NFOP, the Ohio State lodge, and their PACs. If you believe that there are other documents that provide a better explanation of the organizational relationship between the NFOP and the Ohio Lodge, please provide them as well.
- (2) Describe the membership overlap between the NFOP and the Ohio State lodge. Your response should include, but not necessarily be limited to, whether membership in the Ohio lodge automatically confers membership status in the NFOP, the percentage of Ohio State lodge members that are not members of NFOP, and the percentage of Ohio members of NFOP that are not members of the Ohio State lodge.
- (3) Describe the role of the Ohio State lodge and State and local lodges in general in the governance and operations of NFOP, and vice versa. Your answer should include, but not be limited to, overlaps in the group of directors, officers, and employees of the NFOP; the ability to hire or otherwise control the directors, officers, and employees of the NFOP and the State and local lodges and the corresponding set of individuals in the State and local lodges; and the provision of, or the arrangement of the provision of funds by the NFOP to the State and local lodges and vice-versa. See 11 CFR 110.3(a)(3). If the facts pertaining to the Ohio State lodge differ from the facts pertaining to the other lodges in general, please explain.

- (4) State whether NFOP PAC currently has a non-Federal account.
- (5) Please provide a copy of the solicitation that states that a portion of each contribution may go to support NFOP PAC.
- (6) Clarify whether the solicitations referring to the support of NFOP PAC have already been made and whether donations have already been received in response to those solicitations.
- (7) State whether Ohio FOP PAC intends to remain registered with the Commission as a political committee after making the transfer or intends to terminate as a political committee after the transfer. State whether Ohio FOP PAC intends to make further transfers to NFOP PAC after termination. If so, state approximately when it intends to make such transfers and how frequently.
- (8) State whether Ohio FOP PAC intends to make transfers to NFOP PAC from funds other than those contributed in response to the solicitations referring to the use of donations to support NFOP.

For your information and guidance, we enclose Advisory Opinions 2000-25, 1994-9, 1990-16, 1985-18, 1984-31, 1982-40, and 1981-34. Upon receipt of your responses, this office will give further consideration to your inquiry. If you have any questions about the advisory opinion process, the enclosed opinions, or this letter, please contact Jonathan Levin, a senior attorney in this office, at 202-694-1542.

Sincerely,

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Rosemary C. Smith  
Acting Associate General Counsel

Enclosure  
Advisory Opinions

National Fraternal Order of Police PAC  
309 Massachusetts Avenue, N.E.  
Washington, D.C. 20002

14 July 2003

Ms. Rosemary C. Smith  
Acting Associate General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Ms. Smith:

I am writing in response to your letter to Tara Stoveken of 20 March 2003, in which the Commission asked for additional information and supporting documents with regard to our advisory opinion request. At issue is whether the transfer of funds from the Fraternal Order of Police of Ohio PAC, an affiliated non-Federal political action committee (PAC), to the National Fraternal Order of Police PAC is permissible under the Federal Election Campaign Act of 1971 and Commission regulations.

(1) Included for your reference, please find the enclosed Articles of Incorporation, Constitution and Bylaws for the National Fraternal Order of Police and the Fraternal Order of Police of Ohio, Inc. In addition, a copy of the bylaws for the Ohio FOP PAC is provided. The Constitution prescribes the fundamental law of the Fraternal Order of Police and, in particular, the nature of the relationship between the National and subordinate lodges.

(2) The Fraternal Order of Police is a three-tiered organization, with membership on a local, state, and national level. All members of the Fraternal Order of Police must join at the local level. Members of a subordinate lodge in good standing with the Grand Lodge also maintain membership at the state and national level. Membership in the local lodge automatically confers membership in the Grand Lodge, as well as the state lodge, where applicable. As the largest law enforcement labor organization in the United States, the FOP is represented in communities throughout the country. Chartered by the Grand Lodge, state lodges can be found in forty-two (42) states and the District of Columbia. Ohio's state lodge is the FOP of Ohio, Inc. Therefore, all members of the FOP of Ohio, Inc. are also members of the National Fraternal Order of Police (Grand Lodge).

(3) Subordinate and state lodge leaders, elected by their respective members to represent member's interests with the Grand Lodge, actively participate in the decisionmaking at the national level. The officers of the Grand Lodge are elected at the Biennial National Conference. The national officers include the National President, each of the Past National Presidents, the National Vice President, the National Secretary, the National Treasurer, the National Second Vice President, the National Sergeant at Arms, and one

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National Trustee from each state represented by a state lodge. Every subordinate and state lodge is entitled to one or more delegates to the Biennial National Conference. The Board of Trustees or the Executive Board of each state lodge may elect three delegates to the Biennial National Conference from among the membership of the Board of Trustees or State Executive Board. In addition, each subordinate lodge may elect one delegate per fifty active members. Subordinate and state lodges are entitled to representation and a voice in the Grand Lodge through these duly elected delegates. Only a duly elected delegate or officer of the Grand Lodge is eligible to hold national office. Therefore, individuals elected to state office often serve in some capacity on the national level. When a meeting of the National Board of Trustees occurs, subordinate lodges of any state in which there is no state lodge are entitled to representation and a voice at the meeting, but no vote. Every subordinate and state lodge must provide for the establishment of officers that parallel the title and duties of the Board of Trustees or Executive Board. These local and state lodges are held accountable to the Grand Lodge and its officers.

It is the responsibility of each subordinate lodge to assess an annual per capita tax from membership dues charged to its members and forward the set amount to the Grand Lodge, as determined by a majority of the members present. The agenda of the meeting and subsequent vote is publicized to the subordinate lodge members in advance. A subordinate lodge in a state with a state lodge forwards the portion of their dues and fees that represents the per capita tax to the state lodge, which will then forward the remaining amount to the Grand Lodge. The Grand Lodge presently receives \$5.50 per member.

(4) The National Fraternal Order of Police Political Action Committee (NATL FOP PAC) does not currently have a non-Federal account. The Ohio FOP PAC has a non-federal account registered with the Ohio Secretary of State.

(5) To clarify, the solicitation suggests that a portion of each contribution may go to support the Fraternal Order of Police of Ohio, Inc. Political Action Committee. The language of the solicitation does not make reference to the NATL FOP PAC at the present time. A copy of the solicitation from the Fraternal Order of Police of Ohio, Inc. is enclosed.

(6) To date, solicitations referring to the support of the Ohio FOP PAC have been distributed and contributions have been received in response to those solicitations. No reference to the NFOP PAC is included in these solicitations.

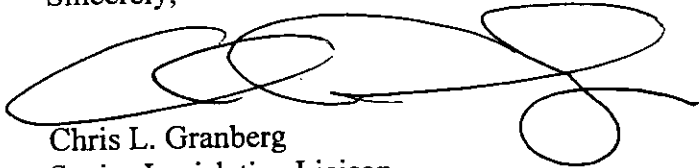
(7) If the Ohio FOP PAC were required to register with the FEC to complete a transfer of funds to an affiliated committee, the committee would likely remain registered with the Commission.

(8) The recordkeeping system of the Ohio FOP PAC is sophisticated enough to detail contributions made by members and non-members, thereby complying with the federal guidelines regarding permissible sources of contributions. The contributions are collected solely through solicitations initiated by the Fraternal Order of Police of Ohio, Inc. Each solicitation contains the phrase stipulating that a portion of a contribution may be used to

support the political action committee; the need to track contributions based on the individual solicitation is moot. No reference to the NFOP PAC is contained in the existing solicitations.

If you have any questions or require further clarification, please do not hesitate to contact me at (202) 547-8189.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Chris L. Granberg  
Senior Legislative Liaison



BY-LAWS  
OF THE  
FRATERNAL ORDER OF POLICE POLITICAL ACTION COMMITTEE

SECTION I

Name and Identification

The name of this Committee is Fraternal Order Of Police Political Action Committee which shall be, hereinafter, referred to as the "Committee". The Committee is and shall be comprised of those who voluntarily associate themselves in a not-for-profit unincorporated venture, and is not and shall not be affiliated with any political party. The Committee is wholly independent of and autonomous from any other association of individuals, organizations, enterprise or group.

SECTION II

Purposes

The purposes of the Committee are:

1. To create an awareness of and an interest in the problems of public safety, and law enforcement, to the end that police officers, working through the governmental and political processes, participate in the resolution of those problems.

2. To inform and advise police officers and others of the nature and actions of their government, the political issues which are peculiarly relevant to them, and the records of office holders and candidates with respect to those issues.
3. To organize police officers and others interested in their problems for a more effective political involvement and a more efficient discharge of their public responsibilities.
4. To do any and all things which, through the political and governmental processes, shall improve the safety of the public and the well-being of police officers and others.

### SECTION III

#### Membership, Dues and Contributions

##### A. Members

There shall be one class of members. Any "active" or "retired" sworn personnel employed or formerly employed by the <sup>Police Officer</sup> ~~Division of Police, City of Columbus, Ohio~~ who pays dues as provided from time to time pursuant to the provisions of these By-Laws shall be eligible for membership.

Candidates for membership shall make their application to the Board of Trustees and shall be admitted to member-

ship upon approval of their application and upon receipt by the Board of Trustees of their dues.

B. Annual Dues

The annual dues of each member of the Committee shall be \$10.00.

C. Contributions

Contributions to the Committee shall be received only upon approval of the Board of Trustees, and shall be disbursed as directed by the Board.

SECTION IV

Board of Trustees

A. Designation of Initial Board of Trustees

Mr. Elmer Dunaway, Mr. Joseph Mazzearella, Mr. Rocco Greco, Jr., and Mr. Edward F. Baker shall serve as the initial Board of Trustees of the Committee until July 1, 1978. They shall receive applications for membership, and shall accept the payment of dues, until the 31st day of June, 1978.

B. Successive Boards of Trustees

Section 1. The Board of Trustees of this Committee shall consist of five members.

C. Election of the First Board of Trustees

Section 1. The members of record as of July 1, 1978, shall nominate and elect the first Board of Trustees.

Section 2. The initial Board of Trustees shall be notified by mail before August 1, 1978, of the name of each trustee elected to serve on the first Board of Trustees.

Section 3. The term of office for each trustee shall be two years, except that two members of the First Board of Trustees shall serve for only one year.

D. Election of Successive Trustees

Successive trustees shall be nominated and elected by the members prior to July 1 of each year.

SECTION V

Board of Trustees

A. Duties

The Board of Trustees shall have general supervisory and managerial control over the affairs and activities of the Committee. It shall be responsible for the formulation of

the policies and programs of the Committee, and the fulfillment of those purposes. The Board shall disburse the Committee's funds as it, in its sole and unreviewable discretion, believes will best accomplish the purposes outlined in Section II of these By-Laws.

B. Meetings, Annual Meeting

Meetings of the Board of Trustees shall be held as the Board by resolution shall determine, however, there shall be no less than one meeting annually. The Board by resolution shall declare which meeting in any given year shall be the annual meeting.

C. Compensation

Trustees shall serve without compensation. The Board of Trustees may reimburse any <sup>Trustee</sup> Director for any Board authorized expenditure made on behalf of the Committee.

D. Minutes

Accurate minutes shall be kept of all meetings of the Board of Trustees.

E. Quorum

A majority of the Trustees shall constitute a quorum for the transaction of official business of the Committee.

F. Vacancies

Any vacancy occurring on the Board of Trustees shall be filled by the Board of Trustees, until the next annual election.

## SECTION VI

### Officers

#### A. Officers

The officers of the Committee shall be a Chairman, Vice Chairman, Secretary and Treasurer.

#### B. Election and Term of Office

The officers shall be elected annually by the Board of Trustees from its own membership. No officer may serve more than two consecutive terms in the same office, and no person may be elected to serve in more than one office at one time.

#### C. Vacancies

A vacancy in any office occurring for any reason may be filled by the Board of Trustees for the unexpired portion of the term.

#### D. Removal

Any officer may be removed by a three-fourths majority vote of the membership.

#### E. Chairman

The Chairman shall be the principal executive officer of the Committee, and shall, in general, supervise and control all of the business and affairs of the Committee. He

shall preside at all meetings of members of the Board of Trustees. He may sign, with the Secretary or any other proper officer of the Committee authorized by the Board of Trustees, any deeds, mortgages, contracts, or other instruments which the Board of Trustees has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Trustees or by statute to some other officer or agent of the Committee; and in general shall perform all duties incident to the office of Chairman and such other duties as may be prescribed by the Board of Trustees from time to time.

F. Vice Chairman

In the absence of the Chairman or in the event of his inability or refusal to act, the Vice Chairman shall perform the duties of the Chairman, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairman. The Vice Chairman shall perform such other duties as from time to time may be assigned to him by the Chairman or the Board of Trustees.

G. Secretary

The Secretary shall keep the minutes of the meetings of the members and of the Board of Trustees; see that all

notices are duly given in accordance with the provisions of these By-Laws or as required by law; be the custodian of the Committee records; keep a register of the post office addresses of the membership as furnished to the Secretary by each member.

H. Treasurer

The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Committee; receive and give receipts for moneys due and payable to the Committee from any source whatsoever; deposit all such moneys in the name of the Committee in such banks, trust companies, or other depositories as shall be selected in accordance with the provisions of Section V (A) hereof; be empowered to make disbursements and sign checks; and, in general, perform all duties as from time to time may be assigned to him by the Chairman or by the Board of Trustees.

I. Bond

The Treasurer <sup>may be required to</sup> ~~shall~~ give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Trustees shall determine, the attendant expenses to be paid by the Committee.

J. Compensation

The officers and directors shall serve without compensation, however, officers shall be reimbursed for reasonable out-of-pocket expenses for attendance at meetings of the Board of Trustees.



## SECTION VII

### Nomination and Election of Officers

#### A. Voting

Voting shall be by secret written ballot.

#### B. Eligibility for Voting

All duly elected Trustees may vote.

#### C. Nomination and Election

At the annual meeting of the Board of Trustees, the officers shall be elected upon nomination, duly seconded, by members of the Board of Trustees and shall be declared elected with the consent of the nominee upon receiving the affirmative vote of a majority of the <sup>Trustees</sup> ~~Directors~~ voting.

## SECTION VIII

### Standing Committees

#### A. Authority to Appoint

The Board of Trustees shall be vested with authority to appoint temporary or standing committees from the Board of Trustees or from the membership at large to act from time to time or on any permanent basis in carrying such duties as the Board of Trustees shall delegate to them. The appointment of such committees shall not operate to relieve the Board of Trustees, or any individual Trustee of any responsibility imposed upon it or him hereby or by law.

B. Term

Each member of a committee shall continue as such until his successor is appointed, unless the committee shall be sooner terminated.

C. Vacancies

Vacancies in the membership of any committee may be filled by appointments made in the same manner provided in the case of the original appointment.

D. Quorum

Unless otherwise provided in the resolution creating a committee, a majority of the whole committee shall constitute a quorum and the act of the majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

## SECTION IX

### Contracts, Checks, Deposits and Funds

#### A. Contracts

The Board of Trustees may authorize any officer or officers, agent or agents of the Committee, in addition to the officers so authorized by these By-Laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Committee and such authority may be general or confined to specific instances.

#### B. Checks, Drafts, et cetera

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Committee shall be signed by the Treasurer and countersigned by any one of the following: the Chairman, Vice Chairman or Secretary of the Committee.

#### C. Deposits

All funds of the Committee shall be deposited from time to time to the credit of the Committee in such banks, trust companies or other depositories as the Board of Trustees may select—

D. Dues

The program of the Committee shall be financed by the due of its members and such gifts or bequests as shall be received from time to time. The annual dues shall be Ten Dollars (10.00) for the first year and such amount from year to year thereafter as shall be recommended by the Board of Trustees.

Dues shall be payable in advance, by July 1 of each calendar year, except in the initial year, when they may be paid as a person shall become a member of the Committee. When any member shall be in default of payment of dues on July 1, of the year for which such dues became payable, his membership shall lapse subject to reinstatement by full payment of current dues.

SECTION X

Calendar Year

The calendar year of the Committee shall begin on the first day of January, and end on the 31st day of December in each year.

## SECTION XI

### Books and Records

The Committee shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its meetings, Board of Trustees, and committees having any of the authority of the Board of Trustees, and shall keep a record giving the names and addresses of the members entitled to vote. All books and records of the Committee may be inspected by any member, or his agent or attorney for any proper purpose at any reasonable time.

## SECTION XII

### Amendments to By-Laws

These By-Laws may be altered or repealed and new By-Laws may be adopted by two-thirds of the Trustees present at any regular meeting or at any special meeting, provided that at least fifteen days' written notice is given of intention to alter, amend or repeal or to adopt new By-Laws at such meeting.

*on Roberts*  
SECTION XIII

Parliamentary Procedure

Sturgis Standard Code of Parliamentary Procedure shall be the official rules of order to govern the deliberations and proceedings of all meetings, unless otherwise specified in the By-Laws.



STATE LODGE  
**FRATERNAL ORDER OF POLICE OF OHIO, INC.**  
222 E. Town Street, Columbus, Ohio 43215-4611  
(614) 224-5700 Fax (614) 224-5775  
www.fopohio.org



**President**  
**NICK DIMARCO**  
Garfield Heights Police Dept.

**Vice-President**  
**DAN MITCHELL**  
Cincinnati Police Dept.

**Secretary**  
**R. MICHAEL TAYLOR**  
Columbus Police Dept.

**Treasurer**  
**MICHAEL J. CUMMINGS**  
Cleveland Police Dept.

**Second Vice-President**  
**MARK DRUM**  
Delaware Police Dept.

**Sergeant at Arms**  
**ROBERT EVERETT**  
Dover Police Dept.

**Immediate Past President**  
**STEVE YOUNG**  
Marion Police Dept.

**District Trustees**

**First**  
**RICK GROCHOWSKI**  
Akron Police Dept.

**Second**  
**THOMAS DEWITT**  
Youngstown Police Dept.

**Third**  
**JAY McDONALD**  
Marion Police Dept.

**Fourth**  
**WES ELSON**  
Muskingum County Sheriff's Office

**Fifth**  
**EUGENE FISCHER**  
Xenia Police Dept.

**Sixth**  
**CARL STACHURA**  
Toledo Police Dept.

**Seventh**  
**BILLY GALLAGHER**  
Cleveland Police Dept.

**Eighth**  
**BRAD CAIN**  
Orange Village Police Dept.

**Ninth**  
**JOHN WAINSCOTT**  
Cincinnati Police Dept.

**Tenth**  
**JOHN N. WILLIAMS**  
O.D.M.H.

**Eleventh**  
**LARRY DECK**  
Columbus Police Dept.

**National Trustee**  
**CHET DELONG**  
Columbus Police Dept.

**Chief Counsel**  
**PAUL COX**

Dear Fellow Ohioan:

Challenges faced daily by Ohio law enforcement officers are now greater than ever before. The **Fraternal Order of Police of Ohio** is proud to be Ohio's oldest, largest, and most respected law enforcement organization. We represent over 24,000 professional members from all types of Ohio Law Enforcement Agencies. Review our letterhead for a moment and you will see our statewide representation.

The **Fraternal Order of Police of Ohio** is the respected voice of law enforcement in the Ohio Legislature. We continually address your law enforcement needs as well as those of our membership.

Threats of terrorism, violence and drug related crimes are a serious concern for us all. The entire membership of the **Fraternal Order of Police of Ohio** proudly stands with you, your family and community against those who would seek to destroy the freedom and safety that we have worked so hard for. Many citizens have asked what they can do to show their support and appreciation for Law Enforcement in Ohio.

I am asking you to become a **2003 Fraternal Order of Police Booster**, for just \$20.00. Your support truly helps us provide educational and numerous professional services to you and our membership. Enclosed you will find a 2003 Booster Identification Card and Sticker that are yours to keep. Simply complete the enrollment card and return it along with your check, in the convenient envelope provided.

Choose to become a **V.I.P. Booster** for \$30.00. You will receive two special **V.I.P. Booster Stickers** and an annual subscription to our official publication "**Ohio Police**". For a \$50.00 contribution you can become a **Gold V.I.P. Booster** and receive:

Two **V.I.P. Booster Stickers**  
Annual Subscription to: "**Ohio Police**"

**PLUS:** One (1) "**F.O.P. Collapsible Auto Sunshade**"



(High tech UV treated material reflects light and heat, Compact storage, colorful F.O.P. Logo, prevents fading and cracking of interior)

Consider becoming a **Platinum V.I.P. Booster** for \$100.00! The **Platinum V.I.P.** receives each of the items listed above **PLUS** a Patron recognition listing in "**Ohio Police**" and a special Patron ID Card, courtesy of the Fraternal Order of Police of Ohio.

I am extremely proud and grateful for the many Ohioans who share our concern for quality law enforcement and the dedicated officers who protect and serve our great state. Though we are a fraternal, non-profit organization, contributions are not tax deductible and a portion of each contribution may go to support the Fraternal Order of Police of Ohio, Inc. Political Action Committee. Visit our website for additional information.

Thank you for your time and generous support! Together, we stand strong for Ohio and our nation.

Sincerely,

Nick DiMarco  
President

P.S. Proudly display your 2003 **F.O.P. Booster Sticker**!

3-1-74.17 927

DECREE

And now to wit, this 17 day of November 1915 the within charter and certificate of incorporation having been presented to me a Law Judge of this County accompanied by due proof of publication and the testimony taken before Kenneth R. Cunningham, Esq., Commissioner in Re Application for Charter of "Fraternal Order of Police" having been duly presented herewith in Open Court, I do hereby certify that I have examined and perused said certificate of incorporation and said testimony and I find the same to be in proper form and within the purposes named in the first class of corporations specified in Section Two of the Act of April 29th, 1874 and that the said purposes are lawful and not injurious to the community. It is therefore ordered and decreed that the said charter be approved and it is hereby approved and upon the recording of the said charter and of this order, in the office of Recorder of Deeds for said County, which is now hereby ordered, the subscriber and their associates shall henceforth be a corporation for the purposes and upon the terms and under the name therein set forth.

Thos. J. Ford  
Judge of the Court of Common Pleas



Fraternal Order of Police) In the Court of Common Pleas of Allegheny Cty.  
 Charter )  
 ) In the Matter of the Application) No. 845  
 ) of Fraternal Order of Police. ) October Term  
 ) For a Decree of Incorporation ) 1915.  
 )

To the Honorable the Judges of said Court:

Agreeably to the provisions of the Act of General Assembly of the Commonwealth of Pennsylvania entitled "An Act to provide for the incorporation and regulation of certain corporations" approved the 29th day of April A.D. 1874 and the several supplements thereto, the undersigned, all of whom are citizens of the State of Pennsylvania, have associated themselves together for the purposes and upon the terms and by the name hereinafter set forth and to the end that they may be duly incorporated according to law, hereby certify:-

- First: The name of the proposed corporation is "Fraternal Order of Police".  
 Second: The corporation is formed for the purpose of social enjoyment and benevolent, charitable and educational undertakings among policemen.  
 Third: The business of the corporation is to be transacted in the City of Pittsburg, County of Allegheny and State of Pennsylvania.  
 Fourth: The corporation is to exist perpetually.  
 Fifth: The corporation shall have no capital stock.  
 Sixth: The corporation may hold real estate to an amount, the clear yearly income of which shall not exceed \$20,000.00 and the yearly income of the corporation other than from real estate shall not exceed the sum of \$25000.00  
 Seventh: The Membership of said corporation shall be limited to males, of the full age of 21 years of goodmoral character and repute and only upon a majority vote of all the members of the corporation.  
 Eighth: The corporation shall be maintained by contributions in the form of initiation fees and annual dues.  
 Ninth: The corporation shall have power to adopt by-laws for the regulation of its affairs, not inconsistent with the constitution and laws of the United States or with the constitution and laws of this Commonwealth and not inconsistent with the provisions of this charter.  
 Tenth: The names and residences of the subscribers are as follows:

<u>Name</u>	<u>Residence</u>
Martin L. Toole	63 Bates St., Pittsburg, Pa.
John McCormott	3334 Webster Ave., Pittsburg, Pa.
Delbert H. Nagle	370 Flowers Ave., Pittsburg, Pa.
Jacob Hannes	59 Sterling St., Pittsburg, Pa.
George Abbott	4905 Glenwood Ave., Pittsburg, Pa.
James Burns	Homestead, Pa.
Thomas C. E. Duddy	1119 Blackadore Ave., Pittsburg, Pa.
James McCormick	2839 Spring Alley, Pittsburg, Pa.
William E. Larkin	4125 Bristol St., Pittsburgh, Pa.
E. J. Artlars	No. 4 Police Station, Pittsburg, Pa.
Fred G. Boyle	550 Hiesel St., Homestead, Pa.
Joseph Friend	No. 4 Police Station, Pittsburg, Pa.
Thomas Farrell	145 Leaky Ave., N.S. Pittsburg, Pa.

Frank Walling	No. 10 Police Station, Pittsburg, Pa.
George F. Lehrman	2603 So. 18th St., Pittsburg, Pa.
Nick Layzick	No. 4 Police Station, Pittsburg, Pa.
Arthur G. Ehrenfeld	41 Niagara St., Pittsburg, Pa.
Dennis Dwyer	No. 4 Police Station, Pittsburg, Pa.
William J. Milton	223 Winston St., Pittsburg, Pa.
John L. Sullivan	No. 4 Police Station, Pittsburg, Pa.
Dennis Cush	Homestead, Pa.
Dennis R. Duffy	No. 2 Police Station, Pittsburg, Pa.
Michael T. Corcoran	2789 Bigsby Ave., Pittsburg, Pa.
James J. Sweeney	No. 5 Police Station, Pittsburg, Pa.
William Demmel	Carrick, Pa.
Alfred R. McCloskey	No. 2 Police Station, Pittsburg, Pa.
John McCallister	Rankin, Pa.
Christ H. Wolf	145 Winslow St., Pittsburg, Pa.
W. D. Minnick	Center Ave., Pittsburg, Pa.
Philip A. McTigh	4207 Winterborn St., Pittsburg, Pa.
James P. Kenny	2510 Alliquippa St., Pittsburg, Pa.
David F. Corbett	152-45"st., Pittsburgh, Pa.
Jerry M. Dailey	Pittsburgh, Pa.

Eleventh: The business of the corporation is to be managed by a Board of Directors consisting of seven members and the names and residences of those chosen for the first year are:

<u>Name</u>	<u>Residence</u>
Martin L. Toole	63 Bates St., Pittsburg, Pa.
Thomas C. E. Duddy	1119 Blackadore Ave., Pittsburgh, Pa.
William R. Larkin	4125 Bristol St., Pittsburgh, Pa.
Arthur G. Ehrenfeld	41 Niagara Ct., Pittsburgh, Pa.
Fred G. Boyle	550 Hiesel St., Homestead, Pa.
Thomas Farrell	145 Lecky Ave., N.S., Pittsburgh, Pa.
George F. Lehrman	2603 So. 18th. St., Pittsburgh, Pa.

Twelfth: Intoxicating liquors shall not be sold or dispensed by the society or on its premises. A breach of this provision shall be a cause of forfeiture and it is agreed that that this charter will be surrendered if such breach shall be alleged and proved to the satisfaction of the court.

WITNESS our hands and seals this 30 day of July A.D. 1915.

Martin L. Toole	(Seal)	George F. Lehrman	(Seal)
Delbert H. Nagle	(Seal)	E. J. Arthurs	(Seal)
Fred C. Boyle	(Seal)	Joseph Freind	(Seal)
Wm. H. Larkin	(Seal)	Thos. Farrell	(Seal)
Walter D. Minnick	(Seal)	Frank Walling	(Seal)
Arthur G. Ehrenfeld	(Seal)	Dennis Dwyer	(Seal)
Wm. Demmel	(Seal)	Jno. F. Sullivan	(Seal)
Thos. C. E. Duddy	(Seal)	Dennis Cush	(Seal)
John McCallister	(Seal)	James J. Sweeney	(Seal)
James T. McCormick	(Seal)	Phil A. McTighe	(Seal)
William J. Milton	(Seal)	David F. Corbett	(Seal)
Nicholas Lazick	(Seal)	James Burns	(Seal)
Christ H. Wolf	(Seal)	Jacob Hannes	(Seal)
A. R. McCloskey	(Seal)	Jerry M. Dailey	(Seal)
James P. Kenny	(Seal)	Dennis H. Duffy	(Seal)
John McDermott	(Seal)		
George Abbott	(Seal)		
Michael T. Corcoran	(Seal)		

State of Pennsylvania)ss Before me, the undersigned authority,  
 personally  
 County of Allegheny )appeared Christ H. Wolf, Martin L. Toole and  
 )Walter D. Minnick, three of the subscribers to the  
 )above and foregoing certificate of incorporation  
 of "Fraternal Order of Police" and in due form of law acknowledged the same  
 to be their act and deed for the purpose therein specified.  
 Witness my hand and Notarial seal this 30th day of July A.D., 1915.

Rose D. Knepper (N.P. Seal)

Notary Public

My Commission expires March 8th, 1919.

#### PRELIMINARY ORDER

And now to wit, August 9, 1915 the within certificate of incorporation presented in open Court and hereby ordered to be filed in the Office of the Prothonotary and to be presented to the Judges of this Court on the 9th day of September, 1915 at 9:30 AM for approval unless cause be shown to the contrary. Notice of filing thereof and of presentation to the Court to be given by publication in two newspapers of general circulation in this County and is hereby ordered that the sum of One Hundred (\$100.00) Dollars be deposited with the Prothonotary to secure costs and expenses of same.  
 By the Court R.

Decree And now to wit, this 17 day of November 1915 the within charter and certificate of incorporation having been presented to me a Law Judge of this County accompanied by due proof of publication and the testimony taken before Kenneth R. Cunningham Esq., Commissioner in Re Application for Charter of "Fraternal Order of Police" having been duly presented herewith in Open Court. I do hereby certify that I have examined and perused said certificate of incorporation and said testimony and I find the same to be in proper form and within the purposes named in the first class of corporations specified in Section Two of the Act of April 29th, 1874 and that the said purposes are lawful and not injurious to the community. It is therefore ordered and decreed that the said charter be approved and it is hereby approved and upon the recording of the said charter and of this order, in the office of Recorder of Deeds for said County, which is now hereby ordered, the subscribers and their associates shall henceforth be a corporation for the purposes and upon the terms and under the name therein set forth.

Thos. J. Ford

Judge of the Court of Common Pleas

From the Record

Wm. R. Kirker (Court Seal)

U.S.I.R.S.

Prothonotary

10 cents cancelled.

Recorded Nov. 18, 1915.

No. 27859

3-1-74.17

934

In compliance with the requirements of 15 Pa. S 87905 (relating to articles of amendment), the Fraternal Order of Police, the undersigned nonprofit corporation, desiring to amend its Articles, does hereby certify that:

ARTICLES OF AMENDMENT  
OF CHARTER OF  
FRATERNAL ORDER OF POLICE

1. The name of the corporation is Fraternal Order of Police. The address of its registered office is William Penn Hotel, 530 William Penn Place, Pittsburgh, Pennsylvania 15320.

2. The corporation was incorporated as a corporation of the First Class under the Act approved April 29, 1874 and its supplements by decree dated November 17, 1915 entered by the Common Pleas Court of Allegheny County, Pennsylvania, under October Term, 1915, No. 845.

3. The amendments to the Charter set forth below were unanimously adopted on August 5, 1973, by the Board of Directors of the Grand Lodge of the Fraternal Order of Police and by the members of the Grand Lodge of the Fraternal Order of Police.

4. The following amendments to the Charter were unanimously adopted:

RESOLVED THAT Paragraph 11 of the Charter shall be amended to read as follows: The business of the Grand Lodge shall be managed by a Board of Directors which shall be composed of all the officers as defined in the Constitution of the Corporation.

RESOLVED THAT Paragraph 7 of the Charter shall be amended to read as follows: The membership of the Corporation shall consist of persons of good moral character and repute who have attained age eighteen years.

RESOLVED THAT The Charter shall be amended to strike and delete completely Paragraph Twelfth thereof which Paragraph Twelfth is as follows: Intoxicating liquor shall not be sold by the corporation or on premises occupied by it. A breach of this provision shall be a cause of forfeiture and it is agreed that this charter will be surrendered if such breach shall be alleged and proved to the satisfaction of the Court.

RESOLVED THAT The Charter shall be amended to add the following: Thirteen. No part of the net earnings shall

3-1-74.17

935

inure to the benefit of any individual.

RESOLVED THAT The Charter shall be amended to add the following: Fourteenth. The Corporation will not as a substantial part of its activities attempt to influence legislation or participate to any extent in a political campaign for or against any candidate for public office.

These Articles of Amendment are executed under the corporate seal of the Fraternal Order of Police this 16 day of January , 1974, and the President and Secretary have hereunto set their hands and seals haretto.

FRATERNAL ORDER OF POLICE

(SEAL)

*John J. Harrington*  
President

*William A. Lancaster*  
Secretary

Filed in the Department of State on the 22nd day of February, 1974.

*C. McLeod Tucker*

Secretary of the Commonwealth

WHF/nc

2:45 PM

101

14 FEB 5 1974

REC'D: MAIL

3-1-74.17 924

Filed in the Department of State on the 22nd day of February,  
1974.

*C. McLeod Tucker*

Secretary of the Commonwealth  
WHF/hs

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Certificate of Summary of Record  
of the Fraternal Order of Police  
a Nonprofit Corporation (15 Pa. S. §7321)

In compliance with the requirements of 15 Pa. S.  
§7321 (relating to filing of certificate of summary of record  
by corporations incorporated prior to 1973), the Fraternal Order  
of Police, undersigned entity, desiring to file a document  
(Articles of Amendment of the Charter) in the Department of State  
under the Nonprofit Corporation Law of 1972 (15 Pa. S. §7301 et  
seq.), does hereby certify that:

1. The name of the corporation is Fraternal Order of  
Police.
2. The location of its registered office is William  
Penn Hotel, 530 William Penn Place, Pittsburgh, Pennsylvania  
15320 (and the Department of State is hereby authorized to conform  
the record of the Department to the above).
3. The said corporation was incorporated under the  
Act of April 29, 1874 and its amendments.
4. The said corporation was, incorporated under the  
name of Fraternal Order of Police by decree of the Common Pleas  
Court of Allegheny County, Pennsylvania (October Term, 1915  
No. 845) which decree is dated November 17, 1915.

5. The Articles of Incorporation with said decree were recorded in the office of the Recorder of Deeds for Allegheny County on November 18, 1915 in Charter Book 49, Page 356.

~~of said decree is submitted herewith.~~ The above Articles were amended by the above court by decree dated June 8, 1940 and recorded on the same date in the office of the Recorder of Deeds, Allegheny County in Charter Book 68, Page 290 amending paragraph Second of the original Articles of the Incorporation to provide for a lodge plan or system consisting of the Grand Lodge composed of subordinate and local lodges, ladies auxiliaries and associated memberships, and provides for holding regular conventions, and to provide for a fund (not by way of insurance) to aid and assist members when sick or their families in case of death. Paragraph twelve of the original charter was amended prohibiting the sale of intoxicating liquors by the corporation or on its premises, and the breach thereof shall be a cause of forfeiture of the charter.

The above court by decree dated February 17, 1964 amended paragraph 11 of the Articles of Incorporation providing that the business of the corporation shall be managed by a Board of Directors consisting of eight (8) members of the Grand Lodge as specifically designated therein.

6. This certificate is being delivered to the Department of State contemporaneously with amended Articles and restated Articles of the Corporation.

3-1-74.17

926

7. The above corporation has never adopted any name other than its original name, Fraternal Order of Police.

IN WITNESS WHEREOF the undersigned corporation has caused this certificate to be signed by a duly authorized officer and its corporate seal, duly attested by its secretary, hereto affixed this 26th day of March, 1974.

ATTEST:

FRATERNAL ORDER OF POLICE

*Dillion L. Lawrence*  
Secretary

By *John J. Harrington*  
President



181-22-1244

(Line for numbering)

725436

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Filed this 8th day of March 1961

Commonwealth of Pennsylvania  
Department of State

*William L. Davis*

Secretary of the Commonwealth dp

(Box for Certification)

In compliance with the requirements of 15 Pa.C.S. 17316 (relating to articles of incorporation) the undersigned, desiring to be incorporated as a nonprofit corporation, hereby certifies (certify) that:

1. The name of the corporation is:

Fraternal Order of Police, Inc.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

One East Peace Valley Road

Chalfont,

Pennsylvania

18914

3. The corporation is incorporated under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

The purpose of the Fraternal Order of Police, Inc., is to support and defend the Constitution of the United States; to inculcate loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual proficiency of our members in the performance of their duties; to encourage social, charitable and educational activities among policemen; to advocate and strive for uniform application of the civil service merit system for appointment and promotion; to create a tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the police profession and thus more firmly to establish the confidence of the public in the service dedicated to the protection of life and property.

The corporation does not contemplate pecuniary gain or profit incidental or otherwise.

4. The term for which the corporation is to exist is Perpetual

181-22 1245

Section 2. The corporation shall have the name(s):

XX  
XX  
XX

3. The name(s) and post office address(es) of each incorporation(s) is (are):

John J. Harrington One East Peace Valley Road Chalfont, PA 18914

IN TESTIMONY WHEREOF, the incorporation(s) has (have) signed and sealed these Articles of Incorporation this 4<sup>th</sup> day of March, 1981

(SEAL) John J. Harrington (SEAL)

#### INSTRUCTIONS FOR COMPLETION OF FORM.

- A. For general instructions relating to the incorporation of nonprofit corporations see 19 Pa. Code Ch. 29 (relating to nonprofit corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure, inclusion of names of first directors in the Articles of Incorporation, provisions on incorporation of unincorporated associations, etc.
- B. One or more corporations or natural persons of full age may incorporate a nonprofit corporation.
- C. If the corporation is to be organized upon a stock share basis Paragraph 3 should be modified accordingly.
- D. Optional provisions required or authorized by law may be added as Paragraphs 9, 10, 11, etc.
- E. The following shall accompany this form:
  - (1) Any necessary copies of Form DSCB-17.2 (Consent to Appropriation of Name) or Form DSCB-17.3 (Consent to Use of Similar Name).
  - (2) Any necessary governmental approvals.
- F. 15 Pa.C.S. 17317 (relating to advertisement) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be delivered to the Department, but should be filed with the returns of the corporation.

RECEIVED  
MAR 23 4 10 PM '81  
DEPT. OF STATE

RECEIVED  
MAR 23 4 10 PM '81  
DEPT. OF STATE

COMMONWEALTH OF PENNSYLVANIA



Department of State

March 2, 1993

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

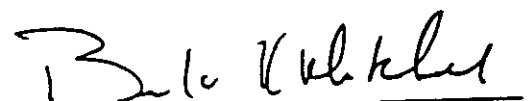
I DO HEREBY CERTIFY THAT,

FRATERNAL ORDER OF POLICE

is duly incorporated as a non-profit corporation under the laws of the Commonwealth of Pennsylvania and remains a subsisting corporation so far as the records of this office show, as of the date herein.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

  
Secretary of the Commonwealth

By \_\_\_\_\_  
Date \_\_\_\_\_  
Amount \_\_\_\_\_  
FOR OFFICIAL USE ONLY

# Articles of Incorporation

-of-

Fraternal Order of Police of Ohio Inc.  
(Name of Corporation)

The undersigned, desiring to form a corporation, not for profit, under Sections 1702.01 et seq., Revised Code of Ohio, do hereby certify:

FIRST. The name of said corporation shall be Fraternal Order of Police of  
Ohio, Inc.

SECOND. The place in Ohio where the principal office of the Corporation is to be located is  
Columbus, Franklin County.  
(City, Village or Township)

THIRD. The purpose or purposes for which said corporation is formed are:

1. To support and defend the Constitution of the United States; to inculcate loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual proficiency of our members in the performance of their duties; to encourage social, charitable and educational activities among law enforcement officers; to create a tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly to establish the confidence of the public in the service dedicated to the protection of life and property.
2. To provide for the payment of sick, life, accident or other benefits to the members of the corporation or their dependents.
3. To do all and everything necessary, suitable, and proper for the accomplishment of any of the purposes or attainment of any of the objects heretofore set forth or mentioned, either alone or in association with other individuals, corporations or partnerships, including but not limited to, the county, state, federal and municipal bodies and authorities; and, in general, engage in any other lawful activity or act permitted by a corporation under the laws of Ohio and which is exempt from federal income tax as an organization described in Section 501(C)(8) of the Internal Revenue Code of 1986, as amended or any corresponding section of any future federal tax code.

4. The corporation shall be operated under the lodge system within the meaning of Section 501 (c) (8) of the Code or any successor provision and shall be affiliated with and subordinate to the State Lodge of the Fraternal Order of Police.

5. Any regularly appointed and full-time employed law enforcement officer in the State of Ohio or its political subdivisions shall be eligible for membership in the subordinate lodge members of the corporation subject to the provisions of these Articles, the Constitution and the Bylaws of the corporation. No person shall be denied membership on account of his or her race, creed or sex. The corporation shall deny membership to anyone who is, or has been, a member of Communist Party, or any party regardless of what name known which advocates the abolition of our Government, whether by force or subversive means.

The term "regularly appointed" law enforcement officer shall include law enforcement officers heretofore and hereafter retired from active duty.

The term "full-time employed" shall mean law enforcement officers that are engaged in such employment as their principle source of livelihood.

6. The corporation shall be authorize and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of this purposes set forth herein.

Notwithstanding any other provision of these Articles, this corporation shall not engage in any activities or exercise any powers that are not in furtherance of the purpose of this corporation.

7. Upon the dissolution of the corporation, assets may be distributed in accordance with a resolution of the Board of Trustees of the corporation: (i) for the purposes of the corporation as set forth in these Articles (ii) if permitted by an organization exempt under Section 501 (c) (8) of the Code or any corresponding section of any future tax code, to the members; or (iii) to one or more organizations contributions to which are deductible under Section 170 of the Code or any corresponding section of any future tax code. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principle office of the corporation is then located in the same manner permitted for distributions by the Board of Trustees, as said Court shall determine.



Prescribed by  
**SHERROD BROWN**  
Secretary of State  
30 East Broad Street, 14th Floor  
Columbus, Ohio 43266-0418

Form AGO

## ORIGINAL APPOINTMENT OF STATUTORY AGENT

The undersigned, being at least a majority of the incorporators of

Fraternal Order of Police of Ohio Inc., hereby appoint  
(Name of Corporation)

Rick L. Weisman to be statutory agent upon whom any  
(Name of Agent)

process, notice or demand required or permitted by statute to be served upon the corporation may be served.

Complete address of the agent is: 3360 E. Livingston Avenue  
(Street)

Columbus  
(City or Village)

Franklin County, Ohio 43227  
(Zip Code)

Date: September 5, 1989

[Signature]  
(Incorporator)

[Signature]  
(Incorporator)

James E. Boerner  
(Incorporator)

### Instructions

- 1) Profit and non-profit articles of incorporation must be accompanied by an original appointment of agent. R.C. 1701.04(C), 1702.04(C).
- 2) The statutory agent for a corporation may be (a) a natural person who is a resident of Ohio, or (b) an Ohio corporation or a foreign profit corporation licensed in Ohio which has a business address in this state and is explicitly authorized by its articles of incorporation to act as a statutory agent. R.C. 1701.07(A), 1702.06(A).
- 3) The agent's complete street address must be given; a post office box number is not acceptable. R.C. 1701.07(C), 1702.06(C).
- 4) An original appointment of agent form must be signed by at least a majority of the incorporators of the corporation. R.C. 1701.07(B), 1702.06(B).

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## **ARTICLE I - NAME AND PURPOSE**

The name of this organization shall be the Fraternal Order of Police of Ohio, Inc., a State Lodge chartered by the Fraternal Order of Police, a national police organization and dedicated to the advancement and protection of law enforcement officers, the promotion of improved law enforcement methods, and the teaching of respect for law and order.

## **ARTICLE II - MEMBERSHIP OF STATE LODGE**

- a. The State Lodge shall be an Ohio not for Profit Corporation whose members shall be subordinate lodges granted charters by the State Lodge.
- b. The State Lodge may adopt bylaws establishing non-voting honorary and sponsor memberships consistent with the purposes of the Fraternal Order of Police.
- c. The existence of any subordinate lodge in the State of Ohio shall be by affiliation with the Fraternal Order of Police of Ohio, Inc., and subject to any and all provisions of the Constitutions and By-laws, as amended. There shall be no subordinate lodge independent of the State Lodge.

## **ARTICLE III - SUBORDINATE LODGE MEMBERSHIP**

Section 1 Subordinate Lodges Any regularly appointed or elected and full time employed law enforcement officer of the United States, the State of Ohio or a political subdivision or agency thereof, to perform law enforcement work in the State of Ohio may be eligible for membership in the Fraternal Order of Police of Ohio, Incorporated subject to the provisions of this Constitution. No person shall be denied membership on account of race, religion, color, creed, sex, age or national origin.

- a. No subordinate lodge shall adopt or operate under a constitution or bylaws for its government in conflict with the articles of incorporation, constitution or bylaws of the State Lodge.
- b. Upon application and acceptance for membership in the State Lodge, each subordinate lodge shall agree to be bound by the articles of incorporation, constitution and bylaws of the State Lodge. Each subordinate lodge shall use a part of its name "Fraternal Order of Police". Each subordinate lodge shall agree that in the event of withdrawal from membership or expulsion it shall no longer use in its name "Fraternal Order of Police" nor in any way represent to the public, to its members, or to prospective members, that it is affiliated with the Fraternal Order of Police of Ohio, Incorporated, or has the right to use any of such words in its name.

- c. The State Lodge may adopt bylaws to establish the procedures for the withdrawal, expulsion or suspension of a subordinate lodge.
- d. The State Lodge shall not grant a charter to any subordinate lodge with fewer than ten members.

Section 2 Judge of Membership Subject only to the provisions of the State and National Constitution, each subordinate lodge shall be the judge of its membership. Each subordinate lodge shall establish requirements for membership in good standing of its respective membership, which requirements shall not be inconsistent herewith.

Section 3 Classes of Membership There shall be three (3) classes of membership: Active, Retired, and Honorary.

a. Active Membership

1. Shall include regularly appointed or elected full-time law enforcement officers.
2. May include retired regularly appointed or elected law enforcement officers.
3. The member has the choice to maintain active membership once he/she retires from their law enforcement agency.
4. May include, subject to the approval of the subordinate lodge, regularly appointed or elected law enforcement officers who have resigned from their law enforcement duties and who have remained in good standing with their state and subordinate lodges.
5. Only active members, as herein defined, shall have voice, vote and hold elected office.
6. Only bargaining unit members shall have voice an vote on bargaining unit issues as may be otherwise required by the Ohio Revised Code Chapter 4117.

b. Retired Membership

Shall be comprised of retired regularly appointed or elected law enforcement officers who withdraw from active membership upon or after retirement from their law enforcement agency.

c. **Honorary Membership**

Shall be comprised of individuals recognized by the State Lodge or subordinate lodges for exceptional service or contribution to the Nation, the State, political sub-division, law enforcement community or the Fraternal Order of Police.

**Section 4 Dual Membership**

a. No person shall be eligible for nomination or election as an officer or delegate of a subordinate lodge who is a member of any organization competing for membership with that subordinate lodge.

b. No person shall be a member of more than one subordinate lodge at the same time nor shall any member who is delinquent, or who has been suspended by the state or subordinate lodge for any reason, be eligible for membership in any other subordinate lodge until such suspension has been lifted.

**Section 5 Limitations on Membership.** The Fraternal Order of Police of Ohio, Inc. may deny membership to anyone who is, or has been, a member of the communist party, or of any party regardless of what name known which advocates the abolition, destruction or violent overthrow of the government of the United States or any state or political subdivision thereof.

The Fraternal Order of Police of Ohio, Inc. may deny any membership, or continuation of membership to anyone convicted of a felony crime in any court of the United States or any state court, once all appeals have been exhausted.

**ARTICLE IV - OFFICERS - STATE LODGE**

**Section 1 Term and Qualification**

a. The officers of the State Lodge shall be the President, Immediate Past President, Vice President, Secretary, Treasurer, Second Vice President, Sergeant-at-Arms and Trustees from each of the districts enumerated in Section 5 of Article V of this constitution.

b. The President, Vice-President, Secretary, Treasurer, Second Vice President and Sergeant-at-Arms shall be elected at the annual conference held in each odd numbered year for a term of two years or until there successors are elected and qualified. No more than one of these positions shall be elected from any one lodge. The highest of these positions shall take precedent. When there is no Immediate Past President living, this office shall be filled by the most recent Past President living.

c. Any duly elected and qualified delegate to the annual conference held in an odd numbered year, or any incumbent officer of the State Lodge, shall be eligible for nomination and election to any office of the State Lodge.

d. No officers of the State Lodge or their relatives may engage in a business or other transaction, or have financial interest in any venture which conflicts or potentially conflicts with such officers fiduciary obligation to the State Lodge.

Section 2 President The President shall be the Chief Executive Officer of the State Lodge and Chairman of the Board of Trustees. He shall preside at all annual and special meetings of the members. He shall be responsible for the management of the affairs of the State Lodge.

Section 3 Immediate Past President The position of Immediate Past President shall be held by the person who was elected as President and completed at least one full term, and who was the one who most recently held the office of President. No person shall hold this position who has been removed from office as prescribed in this Article (Removal or Suspension). The Immediate Past President shall advise and assist the President and Board of Trustees and may attend annual conference as a delegate.

Section 4 Vice President The Vice-President shall perform the duties of the President in the event of his absence or disability and shall succeed him in the event of his death, resignation or removal from office.

Section 5 Secretary The Secretary shall have custody of the books, records, and be minutes other documents of the State Lodge. He shall take, record, and transcribe minutes of the annual conference and meetings of the Board of Trustees and shall submit same for approval or rejection at the next succeeding meeting or conference, as the case may be. In the absence of the President and Vice-President, he shall perform the duties of the President.

Section 6 Treasurer The Treasurer shall receive and take charge of all funds belonging to the State Lodge, pay all vouchers signed by the President and Secretary and keep accurate account of all funds received and expended. In the absence of the President, Vice President and Secretary, he shall perform the duties of the President.

Section 7 Second Vice President The Second Vice President shall examine dues cards of officers, delegates and other members, ascertaining that all present at Conference and other meetings are in good standing, take up the password and make a report to the President. He shall perform such other duties as the President may require.

Section 8 Sergeant-at-Arms The Sergeant-at-Arms shall have charge and control of the Conference Hall or meeting place. He shall permit only qualified persons to enter or remain. He shall assist the Second Vice President in the execution of such duties as the President may order.

Section 9 Additional Duties Each officer shall have such additional duties as may be conferred by the bylaws.

Section 10 Removal or Suspension Any officer holding an office established by this constitution may be removed by the Board of Trustees upon the preferment of written charges by a member of the Board of Trustees, or by five or more subordinate lodges. Grounds for removal shall be malfeasance, or nonfeasance in office. Officers removed shall have the right to appeal such removal to the grand lodge, as provided in the bylaws of the National Fraternal Order of Police.

Section 11 Compensation

a. The officers and district trustees may receive such compensation as may be provided in the bylaws.

b. The State Lodge shall make no loans, personal or otherwise, to any officer or members. This section shall not conflict with the legal fees paid to a subordinate lodge pursuant to Article 2, Section 3, of the Bylaws.

Section 12 Vacancy In the event of a vacancy in the office of Vice-President, Secretary, Treasurer, Second Vice President or Sergeant-at-Arms, the Board of Trustees shall appoint a successor for the unexpired term. In the event of a temporary absence in the above offices, the Board of Trustees may appoint a successor to fulfill the duties of that office for the duration of the absence.

**ARTICLE V - BOARD OF TRUSTEES**

Section 1 Composition The Board of Trustees shall consist of the following: President, Immediate Past President, Vice-President, Secretary, Treasurer, Second Vice President and Sergeant-at-Arms of the State Lodge, and the Trustees of the several districts.

Section 2 Duties

a. The Board of Trustees shall manage the affairs of the State Lodge between the Annual Conferences. The Board shall exercise all powers which are not specifically granted to other officers and members by this Constitution and Bylaws.

b. The Board of Trustees may employ necessary personnel and fix their compensation.

c. In the event of financial emergency the Board of Trustees may, upon the affirmative vote of not fewer than ten (10) members of the Board, make a per capita assessment each subordinate lodge. The Board of Trustees shall cause written notice of an assessment to be furnished each subordinate lodge. The notice of assessment shall set forth the amount thereof and the reason for its levy.

d. The Board of Trustees shall have such other specific duties as may be provided in the bylaws.

Section 3 Meetings and Quorum The Board of Trustees shall meet at the call of the President. A majority of the Board of Trustees shall constitute a quorum for the conduct of its business. A majority vote of all members present shall be necessary for the taking of any action unless otherwise specifically provided in this constitution.

Section 4 Biennial Conference The President, Vice-President, and Secretary shall be delegates to the biennial conference of the grand lodge. The Treasurer and Immediate Past President shall be alternate delegates to the biennial conference of the grand lodge. All expenses for the delegates and alternates will be born by the State Lodge.

Section 5 District Trustees One member of the Board of Trustees shall be elected from each of the following districts:

First District: To consist of the subordinate lodges within the counties of Ashtabula, Trumbull, Lake, Medina, Summit, Portage and Geauga.

Second District: To consist of the subordinate lodges within the counties of Wayne, Stark, Mahoning, Columbiana, Jefferson, Carroll, Tuscarawas, Holmes, Coshocton, Harrison, Belmont, Guernsey, Monroe and Noble.

Third District: To consist of the subordinate lodges within the counties of Ottawa, Sandusky, Erie, Lorain, Seneca, Huron, Wyandot, Crawford, Richland, Ashland, Marion, Morrow, Knox, Delaware and Union.

Fourth District: To consist of the subordinate lodges within the counties of Licking, Muskingum, Pickaway, Fairfield, Perry, Morgan, Washington, Athens, Hocking, Ross, Vinton, Meigs, Jackson, Pike, Scioto, Lawrence and Gallia.

Fifth District: To consist of the subordinate lodges within the counties of Adams, Brown, Clermont, Highland, Butler, Warren, Clinton, Fayette, Clark, Madison, Darke, Greene, Montgomery, Preble, Miami \* and that part of Hamilton County which lies outside the corporate limits of the City of Cincinnati.

Sixth District: To consist of the subordinate lodges within the counties of Williams, Fulton, Lucas, Defiance, Henry, Wood, Paulding, Putnam, Hancock, Van Wert, Hardin, Allen, Mercer, Auglaize, Shelby, Logan and Champaign.

Seventh District: To consist of the subordinate lodge within the City of Cleveland.

Eighth District: To consist of the subordinate lodges within that portion of Cuyahoga County outside the corporate limits of the City of Cleveland.

Ninth District: To consist of the subordinate lodges within the City of Cincinnati, the Park Police of Cincinnati and may consist of the Hamilton County Sheriffs Department.

Tenth District: To consist of the subordinate lodges composed of full-time regular law enforcement officers employed by the State of Ohio in the Department of Public Safety, Department of Mental Health, Department of Mental Retardation, Department of Natural Resources, Department of Liquor Control, all other departments, agencies, and offices of the State of Ohio under the direct control of a state-wide elected office holder or paid by warrant issued by the Auditor of the State of Ohio, the Ohio Veteran's Home and the Attorney General's Office.

Eleventh District: To consist of Capital City Lodge 9, the subordinate lodge within Franklin County.

Section 6 In odd numbered years, prior to the election of officers of the State Lodge, the delegates to the annual conference from each district will select a trustee to serve for a term of two years. In the event of a vacancy in the office of trustee, the State President or his designee will call a meeting of the delegates from the preceding annual conference from the subordinate lodges in the district in which the vacancy occurs within sixty (60) days of the vacancy, and they will elect a new Trustee to save the unexpired term. The Associate Trustee will assume the responsibilities and administer the duties of the Trustee in the interim until the new Trustee is elected.

Section 7 In odd numbered years, by a vote of the delegates on the floor of the Conference, they shall elect by secret ballot, a candidate for the National Trustee.

## ARTICLE VI - ANNUAL CONFERENCE

Section 1 Governing Body The annual conference shall be the governing body of the State Lodge and shall be held during the month of July each year.

### Section 2 Delegates

a. The annual conference shall consist of the qualified and registered delegates from each subordinate lodge in good standing and the incumbent members of the Board of Trustees of the State Lodge.

b. Each subordinate lodge shall be entitled to elect one delegate and one alternate for each fifty (50) or greater portion thereof of its membership in good standing as of April 1 preceding the date of the Conference. Regardless of membership, each lodge shall be entitled to at least one delegate and one alternate.

c. Each qualified and registered delegate shall be entitled to one vote on questions before the conference.

d. Each qualified and registered alternate shall be entitled to one vote in the event of the absence or incapacity of the delegate for whom he is an alternate on questions before the conference.

Section 3 Conference Business The order of conducting business at the annual conference may be established in the bylaws.

## ARTICLE VII - ASSOCIATE LODGES

Section 1 A subordinate lodge may, in accordance with the provisions of the bylaws, form an associate lodge.

Section 2 The Board of Trustees may, in accordance with the provisions of the bylaws, charter a State Lodge of the Fraternal Order of Police Associates.

Section 3 In order for a subordinate lodge to expel for any reason, their associate lodge, the subordinate lodge shall first contact the State Fraternal Order of Police Secretary. The Secretary of the Ohio State Lodge shall then notify the affected FOP and FOPA Trustees and FOP and FOPA Grievance Committee Chairmen (if these Committees are established) by Certified Mail (Return Receipt Requested). No FOPA charter shall be removed before the preceding conditions are met.

Section 4 The State Lodge of the FOP shall, upon being notified by the subordinate lodge of their intention to dissolve an FOPA lodge, immediately call for all correspondence concerning such proposal from both lodges and after due consideration and study of the proposal, shall convene a meeting of all interested parties as soon as possible in order to resolve the situation. Such time period shall not exceed sixty (60) days except by mutual consent of the FOP and FOPA lodges. The Charter of the FOPA shall not be removed before the aforementioned conditions are met.

## ARTICLE VIII - AUXILIARIES

Section 1 The State Lodge recognizes and acknowledges and hereby validates auxiliaries to the State Lodge and to subordinate lodges. Such auxiliaries shall function as State Lodge auxiliaries and subordinate lodge auxiliaries and shall be subject to the control and supervision of the lodge or lodges with which they are affiliated. Membership in such lodges shall be confined to spouses, parents, children and siblings of members in good standing in a subordinate lodge and to surviving spouses of members in good standing in a subordinate lodge at the time of the member's death.

Section 2 In order for a subordinate lodge to expel for any reason, their auxiliary lodge, the subordinate lodge shall first contact the Fraternal Order of Police state secretary along with the FOP and Auxiliary Grievance Chairperson (if such



committees are established by certified mail with return receipt. No auxiliary charter shall be removed before the preceding conditions are met.

Section 3 The Fraternal Order of Police State Lodge shall, upon being notified by the subordinate lodge, of their intention to dissolve an auxiliary lodge, immediately call for all correspondence concerning such proposal from both lodges and after due consideration and study of the proposal, shall convene a meeting of all interested parties as soon as possible in order to resolve the situation. Such time period shall not exceed sixty (60) days except by mutual consent of the FOP and auxiliary lodges.

Section 4 Charter of an auxiliary lodge shall not be removed before the aforementioned conditions are met.

### ARTICLE IX - AFFILIATE LODGES

Section 1 The Board of Trustees may, in accordance with the provisions of the Bylaws, charter local lodges and a State Lodge of the Fraternal Order of Police Affiliates.

- c. Each proposal shall be submitted to the delegates at the next annual conference for their consideration;
- d. The proposal shall be adopted if approved by two-thirds of the qualified and registered delegates voting on the proposal.

### ARTICLE X - AMENDMENTS TO CONSTITUTION

Section 1 This constitution may be amended in the following manner.

- a. The Board of Trustees of the State Lodge or any subordinate lodge may propose an amendment to this constitution by submitting the proposed amendment in writing to the State Secretary at least sixty (60) days before an annual conference. Such proposal shall be in resolution form, stating the reasons for the amendment, be attested by the signature of the Secretary (subordinate), bear the seal of the lodge and state the date of the meeting at which it was adopted.
- b. At least thirty (30) days before the convening of the annual conference, the Secretary of the State Lodge shall forward each proposed amendment of the constitution to each member of the Board of Trustees of the State Lodge and to the Secretary of each subordinate.
- c. Each proposed amendment shall be submitted to the delegates at the next annual conference for their consideration;
- d. The amendment shall be adopted if approved by two-thirds of the qualified and registered delegates.

## **ARTICLE XI - ADOPTION**

The adoption of this constitution shall not constitute revocation of membership or affiliation of any subordinate lodge, associate lodge or auxiliary lodge which was a member of or affiliated with the State Lodge or subordinate lodge at the time of adoption. Upon the adoption of this constitution all subordinate, associate and auxiliary lodges shall be bound by its provisions.

## **ARTICLE XII - SAVINGS CLAUSE**

In the event the Grand Lodge determines, pursuant to Article XIII Section 6. of the Grand Lodge Constitution that any article or provision of this constitution or bylaws of the Grand Lodge or is declared invalid in any court of law, such determination shall not invalidate any other article or provision of this constitution or bylaws adopted hereunder.

## **FRATERNAL ORDER OF POLICE OF OHIO, INC. - BYLAWS**

### **ARTICLE 1 - BOARD OF TRUSTEES - STATE LODGE**

#### **Section 1 Board Powers**

The Board of Trustees may:

- a. Employ the personnel necessary to assure the proper operation of the State Lodge and fix their compensation;
- b. Employ an auditor to make an annual audit of the financial transactions of the State Lodge and to prepare reports necessary to determine the tax ability of the State Lodge;
- c. Provide for the editing, printing and distribution of publications deemed proper for the furtherance of the purposes of the Fraternal Order of Police of Ohio and occur the necessary expenses therefore.

#### **Section 2 Ritual**

The Grand Lodge shall prescribe the ritual to be followed by subordinate and associate lodges for the installation of officers, initiation of members, and such other ceremonies as may be conducted by such lodges.

#### **Section 3 District Trustee Powers and Duties**

- a. Each District Trustee may:
  1. Hold such meetings and appoint such committees as he deems necessary for the proper operations of the subordinate lodges within his district;
  2. Authorize his associate to represent his district at Sate Board meetings when he is unable to attend for any reason. Notification of such authorization shall be given to the State Secretary prior to the date of the meeting by the elected Trustee. The associate trustee shall receive the same compensation for expenses and per diem amount as the elected trustee while on official business of the State Lodge.

- b. Each District Trustee shall:
1. Have the right to attend all meetings of the subordinate and associate lodges with his district:
  2. Inform the members of each subordinated associate lodge within his district of the legislative activities of the State Lodge:
  3. Perform such other duties as are required of him by the President or the Board of Trustees.
  4. Appoint an Associate Trustee to assist him in carrying out his duties.

## ARTICLE II - PRESIDENT

### Section 1 Meetings Legislative Chairman

The President may:

a. Call regular meeting of the Board of Trustees and shall call a special meeting upon the written request of not less than four (4) members of the Board. The Secretary shall send a notice of any special meetings by certified mail to each member of the Board stating the time, place and date of the meeting and the business to be considered, unless waiver of such notice is signed by all of the members of the Board of Trustees:

b. With the advice and consent of the Board of Trustees appoint a legislative chairman who shall promote legislation in the furtherance of the purposes of the Fraternal Order of Police and oppose legislation detrimental thereto. The legislative chairman may call upon any officer of the State Lodge and any officer or member of a subordinate lodge to assist him in the performance of his duties.

The legislative chairman and all persons authorized to assist him in the performance of his duties shall be compensated at a rate established by the Board of Trustees and shall be reimbursed for all expenses incurred in the performance of official duties. The legislative chairman shall present a written report of his activities to each annual conference which report the Secretary shall make available to the delegates.

The legislative chairman shall have the authority to incur obligations for and on behalf of the State Lodge in the performance of his duties subject to review by the Board of Trustees.

Section 2 Second Vice President and Sergeant-at-Arms The President may appoint members to assist the Second Vice President and Sergeant-at-Arms at all

b. Each District Trustee shall:

1. Have the right to attend all meetings of the subordinate and associate lodges with his district:
2. Inform the members of each subordinated associate lodge within his district of the legislative activities of the State Lodge:
3. Perform such other duties as are required of him by the President or the Board of Trustees.
4. Appoint an Associate Trustee to assist him in carrying out his duties.

## ARTICLE II - PRESIDENT

### Section 1 Meetings Legislative Chairman

The President may:

a. Call regular meeting of the Board of Trustees and shall call a special meeting upon the written request of not less than four (4) members of the Board. The Secretary shall send a notice of any special meetings by certified mail to each member of the Board stating the time, place and date of the meeting and the business to be considered, unless waiver of such notice is signed by all of the members of the Board of Trustees:

b. With the advice and consent of the Board of Trustees appoint a legislative chairman who shall promote legislation in the furtherance of the purposes of the Fraternal Order of Police and oppose legislation detrimental thereto. The legislative chairman may call upon any officer of the State Lodge and any officer or member of a subordinate lodge to assist him in the performance of his duties.

The legislative chairman and all persons authorized to assist him in the performance of his duties shall be compensated at a rate established by the Board of Trustees and shall be reimbursed for all expenses incurred in the performance of official duties. The legislative chairman shall present a written report of his activities to each annual conference which report the Secretary shall make available to the delegates.

The legislative chairman shall have the authority to incur obligations for and on behalf of the State Lodge in the performance of his duties subject to review by the Board of Trustees.

Section 2 Second Vice President and Sergeant-at-Arms The President may appoint members to assist the Second Vice President and Sergeant-at-Arms at all

annual conferences and meetings of the Board to Trustees to examine dues cards and permit only qualified persons to enter or remain.

Section 3 Legal Advisory Committee The President with the advice and consent of the Board of Trustees shall appoint a Legal Advisory Committee consisting of three (3) members of the Board of Trustees.

It shall be the duty of the Legal Advisory Committee to make recommendations and advise the Board of Trustees concerning requests of a subordinate lodge for legal aid.

Any subordinate lodge desiring legal aid shall file a request in writing with the Secretary of the State Lodge in quadruplicate sixty (60) days prior to the next annual conference which shall contain the following:

- a. A brief summary of the legal services rendered;
- b. Names of legal counsel and an itemized list of expenses incurred, including copies of all paid bills, canceled checks, and any further documentation the committee may deem as necessary by which to render a recommendation.
- c. An audit of the assets and liabilities of the subordinate lodge requesting aid.

The State Secretary shall forward the request to the Legal Advisory Committee for advice and recommendation. The committee shall at the next meeting of the Board of Trustees make a recommendation relative to the request.

The Board of Trustees shall, at the next regular annual conference, report the recommendations of the Legal Advisory Committee and the recommendations of the Board concerning the requested aid.

Section 4 Other Committees The President shall appoint the majority of the members of all committees not otherwise provided for. He shall be an ex-officio member of all committees.

Section 5 Compensation The President shall receive compensation of Nine Thousand Dollars (\$9,000.00) per year.

### ARTICLE III - IMMEDIATE PAST PRESIDENT

The Immediate Past President shall execute such assignments as may be ordered by the President or Board of Trustees.

### ARTICLE IV - VICE PRESIDENT

Section 1 General Duties The Vice President shall execute such assignments as may be ordered by the President or the Board of Trustees.

Section 2 Committee Appointments The Vice-President shall appoint the minority of the members of all committees not otherwise provided for.

Section 3 Compensation The Vice-President shall receive compensation of Five Thousand Five Hundred Dollars (\$5,000) per year.

## ARTICLE V - SECRETARY

Section 1 Duties The Secretary shall:

- a. Keep official copy of the constitution and bylaws and all amendments thereto.
- b. Prepare for execution by the President and certification by himself all charters for subordinate lodges.
- c. Conduct the general correspondence of the State Lodge.
- d. Select a date annually to make available for inspection by members of the subordinate lodges, all books, records and other documents of the State Lodge.
- e. Submit vouchers, made in duplicate, countersigned by the President, for all duly contracted claims against the State Lodge for the State Lodge. The original voucher shall be sent to the Treasurer and a duplicate shall be filed in the office of the Secretary.
- f. Keep an itemized record of all receipts and expenditures of the State Lodge.
- g. Furnish bond in the amount fixed by the Board of Trustees for the faithful performance of his duties as Secretary. The cost of such bond shall be paid by the State Lodge.
- h. Perform such other duties as the Board of Trustees may direct.

Section 2 Resignation In the event that the Secretary shall submit his resignation prior to the expiration of his term of office, such resignation shall not take effect until an audit of the books and records is complete. Such audit shall be at the direction of the Board of Trustees and with the resignation, must be approved by the Board.

Section 3. Compensation The Secretary shall receive annual compensation in an amount set by the Board of Trustees.

## **ARTICLE VI - TREASURER**

**Section 1 Funds** The Treasurer shall receive all funds credited to the State Lodge which shall deposit to the credit of the State Lodge in depositories insured by the Federal Government.

**Section 2 Vouchers** The Treasurer shall pay all the vouchers signed by the Secretary and countersigned by the President submitted to him as expenses of the State Lodge.

**Section 3 Accounting** The Treasurer shall give the auditing committee an account of all moneys received by him and expenditures made by him together with the books, papers, and receipts belonging to his office when requested by the committee.

**Section 4 Bond** The Treasurer shall furnish bond in an amount fixed by the Board of Trustees for the faithful performance of his duties. The cost of the bond shall be paid by the State Lodge.

**Section 5 Compensation** The Treasurer shall receive annual compensation of Five Thousand Dollars (\$5,000.00) per year.

**Section 6 Resignation** In the event that the Treasurer shall submit his resignation prior to expiration of his term of office, such resignation shall not take effect until an audit of the books and records is complete. Such audit shall be at the direction of the Board of Trustees and with the resignation, must be approved by the Board.

## **ARTICLE VII - SECOND VICE PRESIDENT**

The Second Vice-President shall examine dues cards of officers, delegates and other members ascertaining that all present at conferences and meetings are in good standing, take up the pass word and make report to the President. He shall perform such other duties as the President may require.

## **ARTICLE VIII - SERGEANT-AT-ARMS**

The Sergeant-at-Arms shall have charge and control of the conference or meeting place. He shall permit only qualified persons to enter or remain. He shall assist the Second Vice President in the execution of such duties as the President may order.

## **ARTICLE IX - MEETING PER DIEM**

All District Trustees, the Immediate Past President, Second Vice-President and Sergeant-at-Arms shall receive Seventy-five Dollars (\$75.00) per day plus expenses while attending meetings of the Board of Trustees or annual conferences. The number of days to be paid shall not exceed two days for any board meeting or four days for any annual conferences.

## **ARTICLE X - DELEGATES TO ANNUAL CONFERENCES**

The Secretary of the State Lodge shall furnish each subordinate lodge, which has paid its annual dues on or before May 31st of each year, with delegate and alternate credential forms, in duplicate, equal to the number of delegates and alternates to which such lodge may be entitled at the annual conference. The Secretary of the subordinate lodge shall fill out the delegate and alternate credential forms giving the name of the delegate or alternate, and certifying to the election of the delegate or alternate by affixing his signature and the seal of the subordinate lodge to the credential. One copy of the certified credential shall be returned to the State Secretary and the other copy shall be presented by the delegate or alternate at the annual conference.

## **ARTICLE XI – DUES**

### **Section 1 Subordinate Lodge**

a. Each subordinate lodge shall pay to the State Lodge upon admission to membership in the State Lodge, a charter fee in an amount fixed by the Board of Trustees of the State Lodge.

b. Each subordinate lodge shall pay to the State Lodge a fee of Two Dollars (\$2.00) for each new member, for each reinstated member, and for each member who transfers to such subordinate lodge from another subordinate lodge on the next per capita tax due date after such person becomes an active member of the subordinate lodge.

c. Each subordinate lodge shall pay to the State Lodge annual per capita dues of Twelve Dollars (\$12.00) for each member, to be paid in two installments:

1. Six dollars (\$6.00) for each member in good standing on October 1st of each year to become due and payable on November 1st of the same year.
2. Six dollars (\$6.00) for each member in good standing on April 1st of each year to become due and payable on April 30th of the same year.

d. A subordinate lodge thirty (30) days or more in arrears in the payment of per capita dues to the State Lodge shall pay a fine of Ten Dollars (\$10.00) or ten percent (10%) of the amount owed, whichever is greater, to the State Lodge. The fine must be paid before such subordinate lodge shall be considered in good standing. The subordinate lodge in arrears in per capita dues for ninety (90) days or more shall be automatically suspended as a member of the State Lodge until such dues and fines are paid.



e. **Building Fund Dues**

1. Each subordinate lodge shall pay to the State Lodge an additional annual per Capita dues of Two Dollars (\$2.00) for each member, to be paid in two installments:
  - a. One Dollars (\$1.00) for each member in good standing on October 1<sup>st</sup> of each year to become due and payable on November 1<sup>st</sup> of the same year.
  - b. One Dollars (\$1.00) for each member in good standing on April 1<sup>st</sup> of each year to become due and payable on April 30<sup>th</sup> of the same year.
2. The dues collected pursuant to this section (e) shall be specifically allocated to the maintenance and repair of the Headquarters building occupied by the State Lodge.
3. This Two Dollars (\$2.00) in dues provided for in this sub-section (e) shall be effective immediately after the adoption of this amendment and shall continue to be assessed until the mortgage loan on the building at 222 East Town Street is paid in full or on December 31, 2005 or whichever comes first. At such time this Two Dollars (\$2.00) will automatically expire.
4.
  - a. The Board shall grant a credit against any per capita required by this sub-section (e) if:
    1. The Department of Justice has filed a Civil Rights Lawsuit against a city for which the lodge has labor representation rights; and
    2. The Lodge has been joined as a defendant in that lawsuit; and
    3. The Lodge has assessed its members an amount equal to or greater than the amount of the per capita required by this sub-section (e).
  - b. Upon the conclusion of the lawsuit this credit will expire.

**Section 2 Incorporation of Lodges**

- a. Each subordinate lodge must be incorporated under the laws of the State of Ohio.

b. The State Lodge will be responsible for preparing and filing the incorporation papers and renewals for each subordinate lodge which has failed to incorporate on its own.

c. Each subordinate lodge will pay to the State Lodge any and all fees and expenses required to implement this section. Failure of a subordinate lodge to pay such fees and expenses will have the same effect as the failure to pay such dues as are required by this Article.

d. In the absence of a specific designation by the subordinate lodge the Secretary of the State Lodge will act as a statutory agent for the subordinate lodge.

Section 3 Associate Each associate lodge shall pay to the state Lodge of the Fraternal Order of police, on or before the date of each annual State conference an amount in accordance with the following schedule, for each member on its rolls on June 30th of such year: 1992 - Six dollars (\$6.00); 1993 - Six dollars (\$6.00); 1994 - Eight dollars (\$8.00); 1995 - Eight dollars (\$8.00); 1996 - and each year thereafter - Ten dollars (\$10.00).

Section 4 Affiliate Each affiliate lodge shall pay the State Lodge of the Fraternal Order of Police, One dollar (\$1.00) per month for each member on its rolls.

## ARTICLE XII - SUBORDINATE LODGE MEMBERSHIP

Section 1 Good Standing A member of a subordinate lodge, who is not more than thirty (30) days in arrears in the payment of all dues and assessments due and payable to and for the Grand Lodge, State Lodge, and subordinate lodge, is a member in good standing of the subordinate lodge.

Section 2 Delinquent A member of a subordinate lodge who is in arrears in the payment of any dues and assessments for more than thirty (30) days shall be deemed to be delinquent and not in good standing as a member of the subordinate lodge.

Section 3 Automatic Suspension A member of a subordinate lodge who is in arrears in the payment of any dues or assessments for more than ninety (90) days shall be automatically suspended as a member of the subordinate lodge.

Section 4 Reinstatement A member of a subordinate lodge, who is not in good standing or is suspended, as in Section 2 or 3 of this article, shall be reinstated and restored to good standing by the payment of all dues and assessment for the current year in which the reinstatement is made.

Section 5 Eligibility for Other Lodges A member of a subordinate lodge who is not in good standing in such lodge shall not be eligible for membership in any other subordinate lodge.

### **ARTICLE XIII – SPONSOR MEMBERSHIP**

Section 1 Defined Sponsor membership in the State Lodge shall consist of those persons who actively support the purposes and programs of the State Lodge through OHIO POLICE, the official publication of the State Lodge. Sponsor members shall not have a voice or vote in any meeting of the State Lodge.

Section 2 Dues The annual dues of a sponsor member shall be fixed by the Board of Trustees of the State Lodge and shall be included in the State Lodge share of the price of advertisement in OHIO POLICE purchased by the sponsor member.

Section 3 Membership Card Each sponsor member shall be issued a sponsor membership card and be entitled to display on his premises a decal stating that the State Lodge will pay a reward of Fifty Dollars (\$50.00) for information leading to the arrest and conviction of any person committing a misdemeanor or felony on the premises where the decal is displayed.

### **ARTICLE XIV - WITHDRAWAL FROM MEMBERSHIP**

A subordinate lodge may withdraw from membership in the State Lodge by serving a notice of intent to withdraw from membership with the Secretary of the State Lodge by registered mail. The notice shall state the effective date of the withdrawal and the reason for withdrawal. The withdrawal shall be effective not less than 30 days after receipt of the notice by the Secretary. The notice of withdrawal shall be accompanied by the payment of the amount of unpaid dues, fees and assessments due the State Lodge and the grand Lodge on the date the withdrawal shall become effective.

### **ARTICLE XV - AFFILIATE LODGE**

Section 1 Defined Upon the approval of the Board of Trustees of the State Lodge, a lodge to be known as a Fraternal Order of Police Affiliate Lodge may be chartered. The members of any such lodges shall be affiliate members of the Fraternal Order of Police of Ohio, Inc. Only members of the Fraternal Order of Police, Ohio Labor Council, Inc. who are not members or are not eligible to become members of the Fraternal Order of Police are eligible for affiliate membership.

Section 2 Formation The Board of Trustees of the State Lodge may, by a majority vote of its members present at any regular meeting of the Board, issue a charter to an affiliate lodge.

Section 3 Constitution and Bylaws Each affiliate lodge shall be governed by the affiliate lodge constitution and bylaws approved by the Board of Trustees of the State Lodge. The Board of Trustees of the State Lodge may adopt rules to govern the activity of the affiliate lodges.

Section 4 Use of Name Each affiliate lodge shall agree for itself and its successors that in the event its charter is revoked, it shall no longer use in its name, Fraternal order of Police nor in any way represent to the public or its members or prospective members that it is affiliated with the Fraternal Order of Police. A revocation of the charter of any affiliate lodge shall not relieve such lodge or any of its members from any financial obligations to the State Lodge of the Fraternal Order of Police, which were incurred prior to the date of the revocation of its charter.

Section 5 Upon dissolution of the affiliate lodge, its charter and assets shall be delivered to the State Lodge, to be held in trust in an escrow account separate and apart from other State Lodge assets. Such charter and assets shall remain in the custody of the State Lodge pending final disposition and approval by the Board of Trustees of the State Lodge.

The State Secretary shall serve as trustee of the escrow account and may properly satisfy the bona fide creditors of the dissolving affiliate lodge.

After all bona fide creditors have been satisfied, the surplus assets shall vest with the State Lodge of the Fraternal order of Police of Ohio, Inc.

Section 6 Solicitation Affiliate lodges may not solicit funds or anything of value for any reason whatsoever from any non-member. This section does not prohibit the affiliate lodge from soliciting membership.

## **ARTICLE XVI - STATE AFFILIATE LODGE**

Section 1 Formation Affiliate lodges may form a State Lodge to be known as a State Lodge of the Fraternal Order of Police Affiliates by making application to the Board of Trustees of the State Lodge of the Fraternal Order of Police for a charter. Upon application, the Board of Trustees of the State lodge of the Fraternal Order of Police after a majority affirmative vote, shall issue such charter.

Section 2 Supervision The State Lodge of the Fraternal Order of Police Affiliate shall be under the control and supervision of the Board of Trustees of the State Lodge of the Fraternal Order of Police and shall account to them for all actions taken by it for all funds received or expended by it. The State Lodge of the Fraternal Order of Police Affiliates shall adopt a constitution and bylaws approved by the Board of Trustees of the State Lodge of the Fraternal Order of Police.

### **Section 3 Use of Name**

a. The State Lodge of the Fraternal Order of Police affiliates shall agree for itself and its successors that, in the event its charter is revoked, it shall no longer use in its name the words "Fraternal Order of Police" nor in any way represent to the public or its members or prospective members that it is affiliated with the Fraternal Order of

Police of Ohio, Inc. Revocation of the charter of the State Lodge of the fraternal Order of Police Affiliates shall not relieve such lodge from any of its financial obligations to the State Lodge of the Fraternal Order of Police which were incurred prior to the date of the revocation of its charter.

b. Upon dissolution of the State Affiliate Lodge, its charter and assets shall be delivered to the State Lodge, to be held in trust and in an escrow account separate and apart from other State Lodge assets. Such charter and assets shall remain in the custody of the State Lodge pending final disposition and approval by the board of Trustees of the State Lodge.

The State Secretary shall serve as trustee of the escrow account and may properly satisfy the bona fide creditors of the dissolving State Lodge.

After all bona fide creditors have been satisfied, the surplus assets shall vest with the State Lodge of the Fraternal Order of Police of Ohio, Inc.

Section 4 Solicitation State Affiliate Lodge may not solicit funds or anything of value for any reason whatsoever from any non-member.

## **ARTICLE XVII - ASSOCIATE LODGE**

Section 1 Defined A subordinate lodge may, upon the approval of the Board of Trustees of the State Lodge, form an associate lodge to be known as a Fraternal Order of Police Associate Lodge. The members of such lodge shall be public spirited citizens who are interested in the advancement and protection of law enforcement officers and the teaching of respect for law and order and who are not members of a subordinate lodge of the Fraternal Order of Police of Ohio, Inc. The Fraternal Order of Police lodge with which an associate lodge is associated may, from time to time, review the membership roster of a associate lodge and require the removal of any member. In order to remove a member of an associate lodge pursuant to this section the proposal to remove the member must be discussed at two (2) consecutive regular monthly meetings of the subordinate lodge and be approved by a majority of voting members of the subordinate lodge at the second of these meetings. No member of an associate lodge may appeal his/her removal, pursuant to this section.

Section 2 Formation. A subordinate lodge desiring to form an associate lodge shall by a majority vote of its members in good standing in attendance at any regular meeting of such lodge, adopt a resolution requesting the Board of Trustees of the State Lodge to grant a charter to the associate lodge. The Board of Trustees of the State Lodge may by a majority vote of its members present at any regular meeting of the Board grant the request and issue a charter to the associate lodge.

Section 3 Constitution and Bylaws Each associate lodge shall adopt a constitution and bylaws for its government which are not in conflict with the articles of incorporation, constitution and bylaws of the State Lodge and the subordinate lodge

requesting a charter. The associate lodge constitution shall be approved by the Board of Trustees of the subordinate lodge.

Section 4 Use of Name Each associate lodge agree for itself and its successors that, in the event its charter is revoked, it shall no longer use in its name Fraternal Order of Police nor in any way represent to the public or its members or prospective members that it is affiliated with the Fraternal Order of Police, Inc. A revocation of the charter of any associate lodge shall not relieve such lodge or any of its members from any financial obligation to the subordinate lodge which requested its charter or to the State Lodge of the Fraternal Order of Police, which were incurred prior to the date of the revocation of its charter.

Upon dissolution of an associate lodge, its charter shall be delivered to the State Lodge, to be held in trust in an escrow account separate and apart from other State Lodge assets. Such charter and assets shall remain in the custody of the State Lodge pending final disposition and approval by the Board of Trustee of the State Lodge.

The State Secretary shall serve as a trustee of the escrow account and may properly satisfy the bona fide creditors of the dissolving associate lodge.

After all bona fide creditors have been satisfied, the surplus assets shall vest with the subordinate lodge of the Fraternal Order of Police which formed the associate lodge.

Section 5 Solicitation Associate Lodges may only solicit after receiving written permission from their parent lodge.

## **ARTICLE XVIII – STATE ASSOCIATE LODGE**

Section 1 Formation Associate lodges may form a State Lodge to be known as a State Lodge of the Fraternal Order of Police Associates by making application to the Board of Trustees of the State Lodge of the Fraternal Order of Police for a charter. Upon proper application the Board of Trustees of the State Lodge of the Fraternal Order of Police shall issue such charter.

Section 2 Supervision The State Lodge of the Fraternal Order of Police Associates shall be under the control and supervision of the Board of Trustees of the State Lodge of the Fraternal Order of Police and shall account to them for all actions taken by it, for all funds received or expended by it. The State Lodge of the Fraternal Order of Police Associates shall adopt a constitution and bylaws not in conflict with the constitution and bylaws of the State Lodge of the Fraternal Order of Police, Inc. which shall be approved by the Board of Trustees of the State Lodge of the Fraternal Order of Police.

Section 3 Use of Name.

a. The State Lodge of the Fraternal Order of Police Associates shall agree for itself and its successors that, in the event its charter is revoked, it shall no longer use in its name the words "Fraternal Order of Police" nor in any way represent to the public or its members or prospective members that it is affiliated with the Fraternal Order of Police of Ohio Inc. Revocation of the charter of the State Lodge of the Fraternal Order of Police Associates shall not relieve such lodge from any financial obligations to the State Lodge of the Fraternal Order of Police, Inc. which were incurred prior to the date of the revocation of its charter.

b. Upon dissolution of the State associate lodge, its charter and assets shall be delivered to the State Lodge, to be held in trust in an escrow account separate and apart from other State Lodge assets. Such charter and assets shall remain in the custody of the State Lodge pending final disposition and approval by the Board of Trustees of the State Lodge.

The State Secretary shall serve as trustee of the escrow account and may properly satisfy the bona fide creditors of the dissolving State associate lodge.

After all bona fide creditors have been satisfied, the surplus assets shall vest with the State Lodge of the Fraternal Order of Police of Ohio, Inc.

Section 4 Solicitation State associate lodge may only solicit after receiving written permission from their parent lodge.

## **ARTICLE XIX - ANNUAL CONFERENCE**

### **Section 1 Odd Numbered Year Order.**

The order of business at the annual meeting of the State Lodge in odd numbered years shall be as follows:

- a. Roll call of officers;
- b. Memorial services;
- c. Report of committee on credentials;
- d. Roll call of delegates;
- e. Introduction of resolutions;
- f. Reading of rough minutes of previous meetings;
- g. Reports of officers;
- h. Reports of committees;

- i. Nominations of officers:
- j. Unfinished business:
- k. New business:
- l. Good of the Order;
- m. Election of officers and conference site:
- n. Installation of officers:
- o. Adjournment.

Section 2 Even Numbered Year Order The order of business at the annual meeting in even numbered years shall be as follows:

- a. Roll call of officers:
- b. Memorial services:
- c. Report of committee on credentials:
- d. Roll call of delegates:
- e. Introduction of resolutions:
- f. Reading of rough minutes of previous meetings:
- g. Reports of officers:
- h. Reports of committees:
- i. Unfinished business:
- j. New business:
- k. Good of Order;
- l. Election of conference site:
- m. Adjournment.



Section 3 Nominations for Officers Candidates for election to the offices of President, Vice-President, Secretary, Treasurer, Second Vice-President and Sergeant-at-Arms of the State Lodge shall be nominated on the day preceding the election. Nominations shall be made from the floor. No person shall be a candidate for election to more than one office.

Section 4 Election of Officers The election shall be by secret ballot. Each delegate or his alternate shall be furnished one printed ballot containing the names of all the candidates. All voted ballots shall be deposited in a ballot box and the results certified by the elections committee which the President shall appoint.

## ARTICLE XX - SUSPENSION AND EXPULSION

### Section 1 Member of the Board of Trustees

A. Filing of Charges A member of the Board of Trustees of the State Lodge may institute proceedings for the expulsion or suspension of a member of the Board of Trustees of the State Lodge by filing written charges with the Secretary of the State Lodge in person or by certified mail.

The charges so filed shall contain:

1. The name and address of the person so charged;
2. A statement of the specific charges made and reasons therefore;
3. The discipline requested.

B. Notice of Charges The Secretary of the State Lodge shall within twenty (20) days of the receipt of such charges, mail a copy thereof by certified mail with return receipt requested to the person charged at the address set forth in the charges.

C. Hearing Within sixty (60) days of the filing of charges against a member of the Board of Trustees of the State Lodge, with the Secretary of the State Lodge, the President of the State Lodge shall call a special meeting of the Board of Trustees of the State Lodge to hear charges. The person charged may be represented by counsel. Witnesses may be sworn and a record of the proceeding shall be made.

### Section 2 Subordinate Lodge or State Associate Lodge

A. Filing of Charges A Member of the Board of Trustees of the State Lodge may institute proceedings for the expulsion or suspension of the charter of a subordinate lodge or State Associate Lodge by filling written charges with the Secretary and President of the State Lodge in person or by certified mail.

The charges so filed shall contain:

1. The name and address of the lodge so charged;
2. A statement of the specific charges made and the reasons therefore;
3. The discipline requested.

B. Notice of Charges The Secretary of the State Lodge shall, within twenty (20) days of receipt of such charges, mail a copy thereof by certified mail, with return receipt requested to the Secretary and President of the lodge charged at the address set forth in the charges.

C. Hearing Within sixty (60) days of the filing of the charges against a subordinate lodge or the State Associate Lodge with the Secretary and the President of the State Lodge, the President of the State Lodge shall call a meeting of the Grievance Committee of the Board of Trustees of the State Lodge to hear the charges. The lodge charged may be represented by counsel. Witnesses may be sworn and a record of the proceedings shall be made. At the conclusion of the hearing, the Grievance Committee shall prepare a report to the Board of Trustees of the State Lodge.

Section 3 Member of a Subordinate or Associate Lodge For a good cause, the Board of Trustees of a subordinate lodge may suspend or expel from membership a member of the subordinate lodge or a member of its associate lodge. A member so suspended or expelled may appeal the suspension or expulsion to the State Lodge Board of Trustees by within (30) days after the effective of such suspension or expulsion, a notice of appeal and a statement of the grounds for appeal with the Secretary and President of the State Lodge.

Filing of Charges Upon receipt of such an appeal the Secretary of the State Lodge shall notify the Board of Trustees of the subordinate lodge of the appeal. Upon receiving this notification the Board of Trustees of the subordinate lodge shall file with the Secretary and President of the State Lodge the written charges used to suspend or expel the member.

The charges so filed shall contain:

1. The name of the person charged;
2. A statement of the specific charges made and the reasons therefore;
3. The discipline imposed.

B. Notice of Charges The Secretary of the State Lodge shall, within twenty (20) days of the receipt of such charges, mail a copy thereof by certified mail, with return receipt requested to the person or persons charged to the address set forth in the appeal.

C. Hearing Within sixty (60) days of filing of these charges with the Secretary and President of the State Lodge, the President of the State Lodge shall call a meeting of the Grievance Committee of the Board of Trustees of the State Lodge to hear the charges. The person or persons charged may be represented by counsel. Witnesses may be sworn and a record of the proceedings shall be made. At the conclusion of the hearing, the Grievance Committee shall prepare a report to the Board of Trustees of the State Lodge.

#### Section 4 Board Powers

A. Member of the Board of Trustees At the conclusion of all testimony heard pursuant to Section I of this Article, the Board of Trustees by two-thirds of its full membership shall: Expel, suspend, or reprimand the member of the Board of Trustees charged: The failure of two-thirds of the full membership of the Board of Trustees to agree on a remedy shall result in the dismissal of the charges.

B. Subordinate Lodge State Associate Lodge or Member of Subordinate or Associate Lodge Upon presentation of the report of the Grievance Committee pursuant to Section 2 or 3 of this Article, the Board of Trustees may:

1. Revoke or suspend the charter of the lodge so charged;
2. Uphold the discipline imposed by the subordinate lodge; or
3. Dismiss the charges.

Section 5 Final Decision The decision of the Board shall be final except for the sole remedy of appeal provided for by the Bylaws of the Grand Lodge of the Fraternal Order of Police.

### ARTICLE XXI - BENEFIT FUND

The State Lodge may provide member benefits through the establishment of a benefit fund; the fund shall be administered by the Secretary.

### ARTICLE XXII - SOLICITING BY SUBORDINATE LODGE

#### Section 1 Permission for Solicitation

A subordinate lodge shall not solicit funds or anything of value for any reason whatsoever in the territory of another subordinate lodge without written permission of the subordinate lodge in whose territory the solicitation is to be made. Said written permission shall be signed by the President and Secretary of the subordinate lodge

granting permission and shall certify that permission was given by the subordinate lodge at a regular meeting or at a special meeting called for that specific purpose.

Section 2 Misrepresentation Prohibited Where permission has been granted to a subordinate lodge to solicit in another subordinate lodge's territory, the subordinate lodge receiving the permission shall in no way misrepresent itself during any solicitations.

Section 3 Identification of Soliciting Lodge

a. A subordinate lodge receiving permission to solicit in another subordinate lodge's territory, shall properly identify the soliciting lodge by its name, number and the territory it represents when making such solicitations.

b. All forms of advertising, phone calls and stationery shall contain complete identification of the subordinate lodge making the solicitation.

Section 4 Address of Soliciting The headquarters and mailing address of the soliciting subordinate lodge shall be in its own territory.

Section 5 Solicitation Boundaries The soliciting subordinate lodge shall make every effort to ensure that their solicitors stay within the boundaries granted to them by another subordinate lodge or lodges.

Section 6 Representation Prohibited The soliciting subordinate lodge is prohibited from representing itself under any other name than the Fraternal Order of Police, the lodge name and number when soliciting funds. The soliciting subordinate lodge is prohibited from using any associate or auxiliary lodge to circumvent any part of the above provision.

Section 7 Violation A subordinate lodge who has been injured by a violation of the above provisions, may appeal to the Board of Trustees of the State Lodge. The State Board of Trustees shall be empowered to levy any fines, suspensions, or other punishment they deem appropriate upon the soliciting lodge. The State Board of Trustees' decision shall be final except for the sole remedy of appeal provided for by the Bylaws of the Grand Lodge of the Fraternal Order of Police.

**ARTICLE XXIII - ROBERTS RULES OF ORDER**

Except as otherwise provided in the Constitution or in the Bylaws, the State Lodge shall conduct business in accordance with the most current Roberts Rules of Order.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

July 28, 2003

Chris L. Granberg  
Senior Legislative Liaison  
National Fraternal Order of Police  
309 Massachusetts Ave., N.E.  
Washington, D.C. 20002

Dear Mr. Granberg:

This refers to letters dated March 7 and July 14, 2003, from Tara Stoveken and you, on behalf of the National Fraternal Order of Police PAC ("NFOP PAC"), concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the receipt of funds from the Fraternal Order of Police of Ohio PAC ("Ohio FOP PAC").

The letters relate to a proposed transfer of funds from Ohio FOP PAC to NFOP PAC. They ask whether a transfer may be made in an amount exceeding the Act's limitation on contributions at 2 U.S.C. 441a(a)(1)(C), and how to determine whether the transferred amount is composed of funds permissible under the Act.

On March 20, 2003, this Office sent a letter asking NFOP for documents and more information. On July 18, this Office received responses and documents from you. After reviewing the documents and responses, this Office needs some follow-up information before your inquiry qualifies as an Advisory Opinion Request. *See* 11 CFR 112.1(c).

First, this office renews its request from the March 20 letter for the by-laws of the National Fraternal Order of Police and its PAC.

Second, with reference to the donations from members of Ohio FOP (as described in your July 14 letter), please state what class of members you refer to, and whether these members have dues obligations in the local or state lodge or have a significant organizational attachment as described in 11 CFR 114.1(e)(2)(iii). Describe the dues obligation or organizational attachment.

Third, please describe the deposit and separation process, including what accounts are involved and the timing in the process, for the donations made by individuals in

response to the type of solicitation you enclosed. Your answer should specifically include:

- (a) whether the donations are deposited and maintained in a separate account, e.g., one for each solicitation or one that covers all such solicitations, whether such donations are at some point commingled with other general treasury accounts of Ohio FOP, and whether commingled funds are accounted for in separate book accounts;
- (b) how long the amount going to Ohio FOP PAC remains with the other funds of the donation before being transferred to the PAC account; and
- (c) what information is provided to the donor as to the amount and timing of the transfer of part of his or her donation to the PAC, and when that information is provided.

If there is no one specific practice with respect to the various aspects of the donation and separation process, please explain such variations.

Upon receipt of your responses, this Office will give further consideration to your inquiry. If you have any questions about this letter or the advisory opinion process, please contact Jonathan Levin, a senior attorney in this office, at 202-694-1542.

Sincerely,

Rosemary C. Smith  
Acting Associate General Counsel



**The National Fraternal Order of Police**  
**Political Action Committee**

309 Massachusetts Avenue, NE  
Washington, D.C. 20002  
Phone 202-547-8189 • Fax 202-547-8190

**Thomas Penoza**  
Treasurer

24 September 2003

Ms. Rosemary C. Smith  
Acting Associate General Counsel  
Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2003 SEP 29 A 11:01

Dear Ms. Smith:

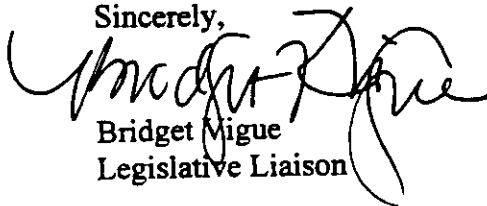
I write today in response to your 28 July 2003 letter to Chris Granberg requesting further information regarding the National Fraternal Order of Police Political Action Committee's request for an official advisory opinion. The requested opinion concerns the transfer of funds from the Fraternal Order of Police of Ohio PAC, an affiliated non-Federal Political Action Committee, to the National Fraternal Order of Police PAC, and whether the transaction is permitted under the Federal Election Campaign Act of 1971 and Commission regulations.

1. Enclosed, per your request, please find the Constitution and By-Laws of the Fraternal Order of Police.
2. In response to your second question, the donations in question were received from members of the Ohio State Lodge, all of whom are dues-paying members of their local lodges. As was explained in the previous correspondence, all members of the Fraternal Order of Police must join at the local level. Members of a subordinate lodge in good standing with the Grand Lodge also maintain membership at the state and national level. Membership in the local lodge automatically confers membership in the Grand Lodge, as well as the state lodge, where applicable. Therefore, all members of the FOP of Ohio, Inc., are also members of the National Fraternal Order of Police Grand Lodge.
3. The deposit and separation process for the Ohio FOP PAC accounts are as follows: All donations that are deposited into the FOP Ohio PAC are maintained in a separate account. At no point are any of the donations commingled with other funds not being deposited

into the PAC account. The PAC funds never remain with other funds after they have been received by the Ohio FOP. Since no transfer is made in part with the contribution to the PAC fund, no information is provided for the donor. As explained in the 7 March 2003 letter from Tara Stoveken, solicitations made by the Ohio FOP PAC make no reference to the National Fraternal Order of Police PAC. The solicitations do not state to potential donors that a portion of their contribution could possibly be transferred to the National FOP PAC.

If you have any questions or require further clarification, please do not contact me at 202/547-8189.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Vigue", written over the printed name and title.

Bridget Vigue  
Legislative Liaison



**CONSTITUTION AND BY-LAWS**  
**OF THE**  
**FRATERNAL ORDER OF POLICE**  
**A NATIONAL POLICE ORGANIZATION**



**NATIONAL HEADQUARTERS**  
**1410 DONELSON PIKE, A-17**  
**NASHVILLE, TENNESSEE 37217**

**REVISED AT THE**  
**54<sup>TH</sup> BIENNIAL CONFERENCE**  
**AUGUST 9 - 12, 1999**  
**MOBILE, ALABAMA**

**GILBERT G. GALLEGOS**  
**NATIONAL PRESIDENT**

**JERRY W. ATNIP**  
**NATIONAL SECRETARY**

The Fraternal Order of Police is a non-profit corporation formed under the laws of the Commonwealth of Pennsylvania. The Court of Common Pleas of Allegheny County, Pennsylvania, entered the Decree of Incorporation on the 17th day of November 1915. The original Articles were recorded on the 18th day of November 1915, in the office of the Recorder of Deeds of Allegheny County, Pennsylvania, in Charter Book Volume 49, Page 350. Pursuant to the provisions of the laws of Pennsylvania application to the Court of Common Pleas of Allegheny County, Pennsylvania, to amend the original charter was duly made on the first day of June 1940, in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania. Further Amendments were approved on February 22, 1974.

At the First Annual Convention a Grand Lodge of the Fraternal Order of Police was formed and by proper action said Grand Lodge was authorized and empowered to use the corporate name of the Fraternal Order of Police and to exercise and perform all corporate rights, privileges, powers, authorities and franchises of the Fraternal Order of Police.

The Constitution, as set forth herein, was adopted November 18, 1915, and amended at Official Annual Conventions subsequently, including the First Annual Convention held at Pittsburgh, October 15, 1917, the 36th National Biennial Conference held at Norfolk, Virginia, August 18-22, 1963, the 40th Biennial Conference held at Phoenix, Arizona, August 8-12, 1971, the 41st Biennial Conference held at Las Vegas, Nevada, August 5-10, 1973, the 43rd Biennial Conference held at Providence, Rhode Island, August 8-12, 1977, the 45th Biennial Conference held at Orlando, Florida, August 18-21, 1981, the 46th Biennial Conference held at Phoenix, Arizona, August 22-26, 1983, the 47th Biennial Conference held at Baltimore, Maryland, August 6-9, 1985, the 48th Biennial Conference held at Mobile, Alabama, August 11-14, 1987, and the 49th Biennial Conference held at Oklahoma City, Oklahoma, August 1-4, 1989, and the 50th Biennial Conference held at Pittsburgh, Pennsylvania, August 12-15, 1991, 51st Biennial Conference held at Louisville, Kentucky, August 9-12, 1993, the 52nd Biennial Conference held at Virginia Beach, Virginia, July 31-August 3, 1995, the 53rd Biennial Conference held at Orlando, Florida, August 4-7, 1997, and the 54<sup>th</sup> Biennial Conference held at Mobile, Alabama, August 9-12, 1999. *(Revisions made at the 54<sup>th</sup> Biennial Conference are as follows: Constitution: Article 30, Section 2, page 27; Article 31, Section 1(A), page 28; and By-Laws: Article 5, Section 4(B), page 31; Article 9, Section 3, page 34; Article 12, Section 3, page 35; Article 13, Section 2, page 35; Article 30, Section 1, page 41.)*

Prior to August 11, 1947, the By-laws were included in the Constitution. On August 11, 1947, at the 28th Annual Convention, the By-laws were adopted separately. On August 15, 1991, at the Fiftieth (50th) Biennial Conference held in Pittsburgh, Pennsylvania, a substantial revision of the Constitution and By-laws was adopted by the delegates there in attendance. While incorporating many portions of the Constitution and By-laws then in effect, the revision restructures the Constitution and By-laws.

This Official Statement, Contents, and Indices are provided for historical purposes and convenience. They are not a part of the Constitution and may not be relied on for any purpose.

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# CONSTITUTION

## Preamble

We, the law enforcement officers of the United States and of the several states and political subdivisions thereof, as representatives and delegates of state and subordinate lodges, do hereby associate the several lodges we represent and the members thereof for the following purposes:

*To support and defend the Constitution of the United States; to inculcate loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual and collective proficiency of our members in the performance of their duties; to encourage fraternal, educational, charitable and social activities among law enforcement officers; to advocate and strive for uniform application of the civil service merit system for appointment and promotion; to support the improvement of the standard of living and working conditions of the law enforcement profession through every legal and ethical means available; to create and maintain tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly to establish the confidence of the public in the service dedicated to the protection of life and property.*

All terms used herein to denominate gender shall be generic and, whenever appropriate, the singular shall include the plural and the plural shall include the singular.

## **ARTICLE 1**

### **Name**

**Section 1.** This organization shall be known as the FRATERNAL ORDER OF POLICE.

**Section 2.** The National Board of Trustees shall have the sole and exclusive right to authorize, control, license and restrict the use of the name, insignia or emblem and mark, trademark or service mark of the Fraternal Order of Police. The National Secretary shall police the trademark of the Order and shall grant or refuse to grant permission to use the trademark of the Order as hereinafter set forth or as may be, from time to time, prescribed by the National Board of Trustees.

**Section 3.** State and subordinate lodges, by virtue of their affiliation with the Grand Lodge, shall have the right to use the name, insignia, emblem and mark, trademark or service mark of the Fraternal Order of Police in order to signify or denote their affiliation therewith. In the case of prospective for profit uses of the name, insignia, emblem or mark, trademark or service mark of the Fraternal Order of Police, or such other use that may place such state or subordinate lodge in competition with the Grand Lodge, such permission may be withheld by the National Board of Trustees.

## **ARTICLE 2**

### **Character**

**Section 1.** The Fraternal Order of Police is an organization consisting of state and subordinate lodges of professional law enforcement officers in the United States and such international affiliate lodges as shall, from time to time, be accepted in accordance herewith.

**Section 2.** The Fraternal Order of Police is a fraternal organization composed of professional law enforcement personnel who have joined together for their common good. In no event shall the Fraternal Order of Police join or be controlled by any labor organization, provided, however, that this Section shall not prohibit cooperative efforts by the National, state or subordinate lodges of the Fraternal Order of Police with labor organizations for their common good.

**Section 3.** The Fraternal Order of Police shall not strike or by concerted action cause a cessation of the performance of police duties, or induce other members or lodges to do likewise.

**Section 4.** This Constitution shall be the fundamental law of the Order and, with the Rituals adopted at the National Biennial Conferences, and such By-laws as may be adopted from time to time, shall govern the conduct of the Grand Lodge and all state and subordinate lodges.

**Section 5.** There shall be By-laws which shall govern the day to day operation and administration of the Grand Lodge. The By-laws of the Order may only be promulgated, amended, or revised by a vote of two-thirds (2/3) of the delegates voting at the Biennial Conference.

### **ARTICLE 3**

#### **Definitions**

**Section 1.** As used herein, the following terms, phrases or words shall be defined as follows:

A. **"Elected law enforcement officer"** shall mean for purposes hereof any law enforcement officer who meets the qualifications in Article 4, Section 1, or who by law is exempted from meeting the minimum training standards.

B. **"Full-time employed"** shall mean law enforcement officers that are engaged in such employment as their full-time occupation.

C. **"Good Cause"** shall mean nonfeasance, malfeasance, dishonesty, or refusal to carry out the will of the Biennial Conference.

D. **"Lodge in good standing"** shall mean a lodge which is not greater than thirty (30) days in arrears in the payment of all dues, delinquency fees and assessments due and payable to or for the Grand Lodge on behalf of its members. Any lodge in arrears of payment of dues or assessments more than thirty (30) days and less than ninety (90) days shall be deemed to be delinquent and not in good standing. Any lodge in arrears of payment of dues or assessments more than eighty-nine (89) days shall be and is hereby automatically suspended from membership in good standing in the Fraternal Order of Police.

E. **"Member in good standing"** in respect to the Grand Lodge, shall mean a member who fulfilled all requirements of membership in good standing in his respective subordinate and state lodges and for whom appropriate per capita tax has been paid to the Grand Lodge. Any member belonging to a state or subordinate lodge that is delinquent or has been suspended shall not be a member in good standing.

F. **"National Board of Trustees"** shall refer to the collective body consisting of the National President, each of the Past National Presidents, the National Vice President, the National Secretary, the National Treasurer, the National Second Vice President, the National Sergeant at Arms, each National Trustee and the Chairman of the National Trustees.

G. **"National Executive Board"** shall mean and consist of the National President, National Vice President, National Secretary, National Treasurer, National Second Vice President, National Sergeant at Arms and the Chairman of the National Trustees.

H. **"National Trustees"** shall mean the individual elected National Trustees or the collective body thereof (excluding the National Executive Board) who may meet from time to time as provided in Article 8 and Article 16 of this Constitution.

I. **"Past National President"** shall be defined as any person elected to the office of National President by a Biennial Conference and who served not less than one (1) full term and was not removed from office.

### ARTICLE 3 Definitions

**Section 1.** As used herein, the following terms, phrases or words shall be defined as follows:

A. **"Elected law enforcement officer"** shall mean for purposes hereof any law enforcement officer who meets the qualifications in Article 4, Section 1, or who by law is exempted from meeting the minimum training standards.

B. **"Full-time employed"** shall mean law enforcement officers that are engaged in such employment as their full-time occupation.

C. **"Good Cause"** shall mean nonfeasance, malfeasance, dishonesty, or refusal to carry out the will of the Biennial Conference.

D. **"Lodge in good standing"** shall mean a lodge which is not greater than thirty (30) days in arrears in the payment of all dues, delinquency fees and assessments due and payable to or for the Grand Lodge on behalf of its members. Any lodge in arrears of payment of dues or assessments more than thirty (30) days and less than ninety (90) days shall be deemed to be delinquent and not in good standing. Any lodge in arrears of payment of dues or assessments more than eighty-nine (89) days shall be and is hereby automatically suspended from membership in good standing in the Fraternal Order of Police.

E. **"Member in good standing"** in respect to the Grand Lodge, shall mean a member who fulfilled all requirements of membership in good standing in his respective subordinate and state lodges and for whom appropriate per capita tax has been paid to the Grand Lodge. Any member belonging to a state or subordinate lodge that is delinquent or has been suspended shall not be a member in good standing.

F. **"National Board of Trustees"** shall refer to the collective body consisting of the National President, each of the Past National Presidents, the National Vice President, the National Secretary, the National Treasurer, the National Second Vice President, the National Sergeant at Arms, each National Trustee and the Chairman of the National Trustees.

G. **"National Executive Board"** shall mean and consist of the National President, National Vice President, National Secretary, National Treasurer, National Second Vice President, National Sergeant at Arms and the Chairman of the National Trustees.

H. **"National Trustees"** shall mean the individual elected National Trustees or the collective body thereof (excluding the National Executive Board) who may meet from time to time as provided in Article 8 and Article 16 of this Constitution.

I. **"Past National President"** shall be defined as any person elected to the office of National President by a Biennial Conference and who served not less than one (1) full term and was not removed from office.



J. **"Regularly appointed law enforcement officer"** shall mean, for purposes hereof, any law enforcement officer who meets the minimum standards, has received the training and education required by the United States, the state, the political subdivision or agency by which they are appointed, and is granted arrest powers.

## **ARTICLE 4**

### **Membership**

**Section 1.** Any regularly appointed or elected and full-time employed law enforcement officer of the United States, any state or political subdivision thereof, or any agency may be eligible for membership in the Fraternal Order of Police, subject to the provisions of this Constitution. No person shall be denied membership on account of race, religion, color, creed, sex, age or national origin.

**Section 2.** Subject only to the provisions of this Constitution, each state and subordinate lodge shall be the judge of its membership. Each state and subordinate lodge shall establish requirements for membership in good standing of its respective membership, which requirements shall not be inconsistent herewith.

**Section 3.** There shall be three (3) classes of membership: Active, Retired and Honorary.

#### **A. Active Membership**

1. Shall include regularly appointed or elected full-time law enforcement officers.

2. May include retired regularly appointed or elected law enforcement officers.

3. May include, subject to the approval of his state and subordinate lodges, regularly appointed or elected law enforcement officers who have resigned from their law enforcement duties and who have remained in good standing with their state and subordinate lodges.

4. Only active members, as herein defined, shall have voice and vote.

**B. Retired Membership** shall be comprised of retired regularly appointed or elected law enforcement officers who withdraw from active membership upon or after retirement from their law enforcement agency.

**C. Honorary Membership** shall be comprised of individuals recognized by the Grand Lodge, state lodge or subordinate lodges for exceptional service or contribution to the nation, the state, political subdivision, the law enforcement community or the Fraternal Order of Police.

**Section 4.** No person shall be a member of more than one state or subordinate lodge at

the same time nor shall any member who is delinquent, or who has been suspended by a state or subordinate lodge for any reason, be eligible for membership in any other state or subordinate lodge until such suspension has been lifted.

**Section 5.** The Fraternal Order of Police may deny membership to anyone who is, or has been, a member of the Communist party, or of any party regardless of what name known which advocates the abolition, destruction or violent overthrow of the government of the United States or any state or political subdivision thereof.

**Section 6.** The Fraternal Order of Police may deny any membership, or continuation of membership to anyone convicted of a felony crime in any court of the United States, or any state court, once all appeals have been exhausted.

## **ARTICLE 5 Organization**

**Section 1.** The Fraternal Order of Police shall consist of the Grand Lodge and such state and subordinate lodges as may, from time to time, be admitted to membership and which conform to this Constitution and such rules and regulations as may then be applicable.

**Section 2. Conference.** The Grand Lodge shall hold a Conference to be known as the Biennial Conference of the Fraternal Order of Police.

A. The Conference shall be scheduled to commence no earlier than the first Sunday of July nor later than through the third week of October of each odd numbered year.

**B. Location**

1. The location of the Biennial Conference shall be determined by the delegates of the Biennial Conference or, in the event the delegates of said Conference fail to do so, by the National Board of Trustees.

2. The location of the Biennial Conference shall be determined by the delegates to the Biennial Conference in the fourth year preceding such Biennial Conference.

3. In the event that a site selected by the delegates or the National Board of Trustees becomes unavailable, the National Board of Trustees shall select a replacement site at their next regular meeting, a special meeting called for that purpose or by mail or telephonic vote, provided that such vote shall not occur except upon fifteen (15) days notice.

**Section 3.** The fiscal year of the Grand Lodge shall be from July 1 to June 30, inclusive, of each calendar year. In addition to an annual audit to be performed by the National Trustees pursuant to Article 8, Section 1(E), of the By-laws, the National Treasurer shall cause a certified public accountant to conduct an annual audit of the books, records and accounts of the Order and to report thereon to the National Board of Trustees.

**Section 4.** There shall be an annual budget of the Grand Lodge which shall be formulated by the National Executive Board in accordance with such rules and regulations as may, from time to time, be prescribed within the By-laws and said budget shall be reported to the National Board of Trustees in June of every fiscal year. The budget shall remain in full force and effect for the fiscal year unless revised by emergency action of the National President, formal action taken at a meeting of the National Board of Trustees, or by action of the Biennial Conference.

## **ARTICLE 6**

### **National Officers**

**Section 1.** The officers of the Grand Lodge shall consist of the National President, each of the Past National Presidents, the National Vice President, the National Secretary, the National Treasurer, the National Second Vice President, the National Sergeant at Arms and one National Trustee from each State represented by a state lodge. The term of office of each national officer shall be for two (2) years or until his successor is elected and qualified.

**Section 2.** A national officer (except for a National President who fulfills the requirements set forth in Article 3, Section 1(H)) who resigns from office during any elected term shall relinquish all right to and privilege of that office and shall revert to the status of "member." In the case of a National President as hereinbefore described, he shall assume the position of Past National President. A National Officer who resigns from active police duty for any reason other than to retire on pension, either for length of service or disability, or otherwise becomes ineligible as a member of the Fraternal Order of Police, shall automatically forfeit his office.

### **Section 3.     Nomination, Election and Installation**

A.     **General.** The officers of the Grand Lodge shall be elected at the Biennial Conference. No more than one of the following officers shall be elected from any one state: National President, National Vice President, National Secretary, National Treasurer, National Second Vice President and National Sergeant at Arms. Should two (2) or more candidates who are members of the same state lodge receive the greatest number of votes for any two (2) or more of the preceding national offices, then, in that event, the candidate receiving the greatest number of votes for the highest office (in the order set forth herein) shall be declared elected and the other candidate from the same state receiving the greatest number of votes shall be declared disqualified by the National President and the candidate for that office receiving the next highest number of votes shall be declared elected. No member shall be nominated for nor elected to national office at a Biennial Conference at which he is not a member in good standing and either a delegate or serving as an incumbent national officer.

B.     **Nomination.** Candidates for election to the offices of National President, National Vice President, National Secretary, National Treasurer, National Second Vice President and National Sergeant at Arms shall be nominated two (2) days prior to the election of such national officers. Nominations shall be made from the floor of the Biennial Conference and, after being declared closed, such nominations shall not be re-opened. No member shall be nominated or be a

candidate for election to more than one national office at the same Biennial Conference. Immediately following the closing of nominations, each candidate (but only the candidate himself) for national office shall be permitted to speak to the delegates of the Biennial Conference for not more than three (3) minutes.

C. **Ballot.** The name and state affiliation of each duly nominated candidate for national office shall be placed on the ballot in an order determined by lottery conducted by the Election Committee.

D. **Election.** Each national officer, except National Trustees, shall be elected by a vote of the qualified delegates on the floor of the Conference.

1. Voting shall be by voting machines whenever available and the expense thereof shall be borne by the host lodge. In the event that voting machines are unavailable, the voting procedure shall be by computer tabulated "punch card." In the event that neither voting machines nor "punch card" procedures are available, there shall be furnished to each delegate printed ballots upon which each delegate shall record his vote(s). Ballots shall not be taken from the Biennial Conference site.

2. The order by which the delegates of the several states shall vote shall be determined by lottery conducted by the Election Committee.

3. The National President shall announce the results of the elections reported by the Election Committee and shall declare elected those candidates receiving a plurality of the votes cast for each respective national office.

E. **Installation.** Officers-elect shall be installed by a National Officer and shall take office in accordance with the regular order of business.

F. **Succession.** A vacancy in any office of the Grand Lodge, except the office of National President or National Trustee, shall be filled by a majority vote of the National Board of Trustees. In the event of a vacancy in the office of the National President, the National Vice President shall automatically assume the office of National President and complete the unexpired term thereof. The National Board of Trustees shall thereafter elect, by a majority vote and from among its members, a successor National Vice President who shall serve for the unexpired term of the previous National Vice President. Should a vacancy occur in the office of a National Trustee, the vacancy shall be filled by the elected officers of the respective state lodge.

## ARTICLE 7

### National Executive Board

**Section 1.** There shall be a National Executive Board which shall be comprised of the National President, National Vice President, National Secretary, National Treasurer, National Second Vice President, National Sergeant at Arms and the Chairman of the National Trustees.

**Section 2.** The National Executive Board shall meet from time to time, as called by the National President, for the purpose of advising the National President in carrying out the administrative business and other affairs of the Grand Lodge in accordance with this Constitution and the By-laws. The National President shall preside over the National Executive Board.

## **ARTICLE 8**

### **National Board of Trustees**

#### **Section 1. Membership**

A. The National Board of Trustees shall be comprised of the National President; the Immediate Past President; subject to the provisions of Article 10, Section 2, each of the Past National Presidents; the National Vice President; the National Secretary; the National Treasurer; the National Second Vice President; the National Sergeant at Arms and each of the National Trustees.

**Section 2.** The National Board of Trustees shall meet from time to time to exercise all administrative powers of the Order between Biennial Conferences.

**Section 3.** The National Board of Trustees shall promulgate such rules and regulations as it deems necessary and appropriate to authorize, control, license and restrict the use of the name, insignia or emblem and mark, trademark or service mark of the Fraternal Order of Police, provided, however, that such use by state and subordinate lodges for identification purposes which are neither associated with profit-making enterprises nor in competition with the Grand Lodge shall not be prohibited.

#### **Section 4. Meetings**

A. The National Board of Trustees shall meet immediately prior to and after the Biennial Conference, which meetings shall be known as the Pre-Conference and Post-Conference Board meetings of the National Board of Trustees, respectively. In addition, the National Board of Trustees shall meet at least three times between Biennial Conferences. The National Board of Trustees shall also meet when it is deemed necessary by the National President, upon petition of a majority of the Board of Trustees or upon the finding of probable cause to inquire into charges brought against a national officer. Notice of special meetings shall be prepared and mailed by the National Secretary to each member of the National Board of Trustees not less than twenty (20) days prior to such meeting.

B. Minutes of each meeting of the National Board of Trustees shall be kept by the National Secretary and shall be presented to such Board and the Biennial Conference, except in the case of the Pre-Conference Board meeting, at the next meeting thereof.

C. The Grand Lodge shall pay, upon signed voucher therefor, the reasonable expenses of National Trustees attending meetings of the National Board of Trustees and the Biennial Conference.

D. Subordinate lodges of any state in which there is no state lodge shall be entitled to representation at meetings of the Board of Trustees and shall have voice but no vote. Such subordinate lodge or lodges shall assume and pay the expenses of their representative(s) attending such meetings.

**Section 5.** Before any subject is opened to discussion at a meeting of the National Board of Trustees, the National President shall have the right to establish reasonable time limitations upon each speaker desiring to speak upon such subject, which time limitations shall be applied uniformly. In establishing time limitations, consideration shall be given to the importance of the subject matter, its complexity, the office held by the speaker and other pertinent factors.

**Section 6.** A president of a state lodge or any other member in attendance at a meeting of the National Board of Trustees shall have the right to speak upon matters under consideration, subject to the following:

A. The Chair of such meeting shall recognize only other National Officers (including National Trustees).

B. The president of a state lodge wishing to address the National Board of Trustees shall notify his National Trustee of the matter upon which he wishes to speak.

C. A National Trustee may seek recognition from the Chair and upon receipt of the floor, shall, after introducing the member and identifying the subject matter upon which he wishes to speak, and upon consent of a majority of the members of the National Board of Trustees then present, yield the floor to such member seeking to address the meeting.

## **ARTICLE 9**

### **National President**

**Section 1.** The National President shall be the chief executive officer of the Fraternal Order of Police. He shall preside at the Biennial Conference and all meetings of the National Board of Trustees and the National Executive Board.

**Section 2.** He shall administer and manage the business of the Order between meetings of the National Board of Trustees. He shall ensure that the resolutions and By-laws of the Biennial Conference and the orders and actions of the National Board of Trustees are carried out. He shall execute all contracts into which the Order may enter.

**Section 3.** He shall appoint, with the advice and consent of the National Board of Trustees, a majority of each committee and name the chairman thereof to inquire into any matter affecting or concerning the Order. He shall serve as an *ex-officio* member of all committees of the Order.

**Section 4.** When he deems it necessary, or upon petition of a majority of the Board of Trustees, or upon receipt of notice from the National Secretary, that probable cause has been found by the National Board of Trustees to proceed with an inquiry in respect to charges against a national officer, the National President shall call a special meeting of the National Board of Trustees.

**Section 5.** He shall, together with the National Treasurer, attest to all warrants and vouchers for disbursements from any fund of the Grand Lodge, provided, however, that the National Secretary and National Treasurer alone, shall attest to all warrants and vouchers for the disbursement of funds relating solely to the administrative responsibilities of the National Secretary.

**Section 6.** He shall receive such salary and benefits as shall be determined from time to time by the delegates to the Biennial Conference and set forth in the By-laws.

**Section 7.** Within thirty (30) days after the expiration of his term of office, the National President shall convey to his successor all unfinished business and books and records and physical property belonging to the Order.

**Section 8.** He shall select a national password each year.

## **ARTICLE 10**

### **Immediate Past National President**

**Section 1.** There shall be an office of Immediate Past National President, which office shall be held by the living person who most recently held the office of National President, who completed one (1) full term, and who was not removed from office. The Immediate Past National President shall advise and assist the National President and the National Board of Trustees in the performance of their duties and shall undertake such assignments as may be delegated thereby. The Immediate Past National President shall serve as a member of the National Board of Trustees.

**Section 2.** All Past National Presidents living and the National President holding office at the approval of this Section 2 [August 12, 1991], shall remain life members of the National Board of Trustees with all rights and privileges of voice and vote. Upon the death of the last living person covered hereunder, this Section shall be repealed.

## **ARTICLE 11**

### **National Vice President**

**Section 1.** The National Vice President shall, in the absence of the National President, preside at the Biennial Conference and meetings of the National Board of Trustees and shall otherwise generally perform the duties of the National President during his absence. The National Vice President shall succeed to the office of the National President in the event of the death, resignation or other vacation of such office during an unexpired term thereof. He shall, with the

advice and consent of the National Board of Trustees appoint a minority of all committees of the Order. The National Vice President shall perform such other duties as shall be ordered by the National President.

**Section 2.** Within thirty (30) days after the expiration of his term of office, the National Vice President shall convey to his successor all unfinished business and books and records and physical property belonging to the Order.

## **ARTICLE 12**

### **National Secretary**

**Section 1.** The National Secretary shall have custody of the books, records, documents, Seal, office and equipment of the Grand Lodge under the general authority and orders of the National President and the National Board of Trustees.

**Section 2.** He shall make a record and transcribe minutes of the Biennial Conference and each meeting of the National Board of Trustees and shall submit same (except in respect to the Pre-Conference Board meeting) for approval or rejection at the next Biennial Conference or National Board of Trustees meeting.

**Section 3.** He shall conduct the general correspondence of the Grand Lodge.

**Section 4.** He shall furnish a bond for the faithful performance of the duties performed by his office in such form and amount as approved by the National Board of Trustees to be paid for by the Grand Lodge.

**Section 5.** All revenues of the Grand Lodge shall be delivered to the National Secretary, who shall record the same and then forward said monies to the National Treasurer for deposit in the proper accounts of the Order.

**Section 6.** He shall, together with the National Treasurer, attest to all warrants and vouchers in respect to the disbursement of funds relating to the administration of the office of the National Secretary.

**Section 7.** He shall attest, under the Seal of the Order, to all duly authorized contracts of the Order.

**Section 8.** He shall be the official custodian of this Constitution and the By-laws of the Order and amendments thereto, each of which shall be authenticated by the Seal of the Order and the signatures of the National President and the National Secretary.

A. The National Secretary shall maintain a book of amendments to this Constitution and a like volume in respect to amendments to the By-laws.



B. He shall be responsible for preparation of amendments to this Constitution and the By-laws prior to presentation thereof to the Biennial Conference and shall ensure that each said amendment conforms to the document it seeks to amend in respect to form, placement and syntax.

C. He shall be responsible for the publication of this Constitution and the By-laws of the Order, as amended, and shall include therein notations or history denoting the date of each amendment and the content thereof.

**Section 9.** He shall be responsible for the purchase, inventory and sale of all merchandise of the Grand Lodge.

**Section 10.** He shall police the use of the name, insignia or emblem and mark, trademark or service mark of the Fraternal Order of Police in order to protect the same.

**Section 11.** The National Secretary shall maintain the official list of membership of the Order and shall not release the same unless specifically authorized or directed to do so by the National Board of Trustees. Such direction or authorization shall be entered in the minutes of the meeting wherein such authorization is granted and notice thereof shall be given to the members by publication of same in the official publication of the Order.

**Section 12.** The National Secretary shall mail to each member of the National Board of Trustees notice of special meetings thereof not less than twenty (20) days prior to such meeting.

**Section 13.** He shall receive such salary and benefits as shall be determined from time to time by the delegates to the Biennial Conference and set forth in the By-laws.

**Section 14.** Within thirty (30) days after the expiration of his term of office, the National Secretary shall deliver to his successor the Seal of the Order and the books, records, documents, equipment, merchandise and all other property of the Order in his possession and shall require and receive a receipt therefor.

### **ARTICLE 13**

#### **National Treasurer**

**Section 1.** The National Treasurer shall be the custodian of the funds of the Grand Lodge. He shall furnish a bond in an amount and form approved by the National Board of Trustees which shall be paid for by the Grand Lodge.

**Section 2.** He shall, together with the National President, attest to all warrants and vouchers for disbursement from any fund of the Grand Lodge which do not relate to the administrative responsibility of the Secretary and shall, together with the National Secretary, attest to all warrants and vouchers for the disbursement of funds relating to the administrative responsibilities of the National Secretary.

**Section 3.** He shall keep an itemized accounting of all receipts and disbursements and may engage certified public accountants to assist him therewith.

**Section 4.** He shall deposit the funds of the Order in a financial institution approved by the National Board of Trustees in such instruments of deposit as shall ensure their safety and shall retain in his office, for the purpose of paying emergency current expenses, a contingency fund established by the By-laws.

**Section 5.** He shall establish such special accounts as shall become necessary and allocate to each the amounts collected or appropriated therefor.

**Section 6.** He shall make monthly reports to the National Board of Trustees of the financial condition of the Grand Lodge.

**Section 7.** He shall perform such other duties as are usual and incident to the office of the Treasurer or as shall be delegated by the National President or National Board of Trustees.

**Section 8.** He shall receive such salary and benefits as shall be determined from time to time by the delegates to the Biennial Conference and set forth in the By-laws.

**Section 9.** Within thirty (30) days after the expiration of his term of office, the National Treasurer shall deliver to his successor all monies, record books, books of accounts, documents, records paraphernalia and equipment in his possession and shall require and receive a receipt therefor.

## **ARTICLE 14**

### **National Second Vice President**

**Section 1.** The National Second Vice President shall examine dues cards of officers, delegates and other members at Biennial Conferences and meetings and determine that all are in good standing and shall take up the password and report to the National President. He shall perform such other duties as the National President may require.

## **ARTICLE 15**

### **National Sergeant at Arms**

**Section 1.** The National Sergeant at Arms shall have charge and control of the Biennial Conference hall or meeting place. He shall permit only qualified persons to enter or remain. He shall assist the National Second Vice President in the execution of such duties as the National President may order.

## **ARTICLE 16**

### **National Trustee**

**Section 1.** Each state lodge shall be entitled to elect one National Trustee in the manner provided herein. Such National Trustee shall represent the Grand Lodge in the state by which he is elected and shall serve as that state's representative upon the National Board of Trustees.

**Section 2.** The National Trustee shall attend meetings of the National Board of Trustees and shall have voice and vote. He shall serve upon the committees to which he may be appointed by the National President or the National Vice President.

**Section 3.** There shall be a Chairman of the National Trustees who shall be elected by and from a majority of the National Trustees at the Post Conference Board meeting, by a voice vote, show of hands or by secret ballot, as they shall determine, and who shall discharge those responsibilities set forth in this Constitution.

**Section 4.** Each National Trustee will be elected at either the National Biennial Conference or the state conference. Voting delegates at either conference for the office of National trustee will be according to the Constitution Article 17: Entitlement.

States choosing to have the election at a state conference must have an appropriate article in their state constitution. The National President will declare the National Trustee elected prior to the nominations for other National Offices. The National Trustee elect will take office at the installation of officers at the close of the National Biennial Conference.

**Section 5.** When a National Trustee is unable to attend any meeting or function called by the National President, the president of the state lodge which the National Trustee represents shall be permitted to attend the meeting or function in the place of the National Trustee. If neither the National Trustee nor the state president is able to attend the meeting or function, the State President shall, in his discretion, appoint a member to attend in his place from within the State Executive Board of the state lodge. The state officer attending in lieu of the National Trustee shall have voice and vote for that meeting or function only and shall be reimbursed in the same manner as would be the National Trustee.

**Section 6.** The National Trustees shall have and exercise the powers as prescribed by Article 16 of the By-laws.

## **ARTICLE 17**

### **Delegates**

**Section 1.** State and subordinate lodges shall have delegates, each of which, in order to serve and while so serving, must be in good standing in and with the respective lodge he represents and must have maintained such good standing at the time of his nomination for and election to the said office of delegate. Only a duly elected delegate or officer of the Grand Lodge shall have voice

or vote or be eligible to hold office in the Grand Lodge subject to Article 6. Section 2 of this Constitution. Such delegates shall be in such number and shall be elected as provided in this Constitution.

**Section 2. Entitlement.** Every state and subordinate lodge shall be entitled to one or more delegates to the Biennial Conference as set forth herein.

A. The Board of Trustees or the Executive Board of each state lodge shall be entitled to three (3) delegates to the National Biennial Conference, each of whom shall be chosen from among the membership of such Board of Trustees or State Executive Board, as shall be determined by the Constitution of the respective state.

B. Each subordinate lodge of a state lodge and each subordinate lodge in states having no state lodge shall be entitled to one (1) delegate each for each fifty (50) active members or major portion thereof, provided, however, that every lodge shall be entitled to not less than one (1) delegate. Notwithstanding the foregoing, the number of delegates to the Biennial Conference to which each subordinate lodge shall be entitled shall be determined by reference to the number of active members for whom all per capita taxes then owing has been fully paid by the first day of May of the year in which the Biennial Conference is held.

**Section 3. Nomination and Election**

A. Nominations and elections of Delegates to the Biennial Conference shall be held not later than June 30th. Qualified candidates receiving the highest number of votes shall be declared elected.

B. Delegates to the Biennial Conference shall be elected in the manner and method and subject to the provisions of this Constitution, the By-laws and the Ritual.

**Section 4. Term.** The term of office of each delegate and alternate delegate shall commence with the assembling of the Biennial Conference and terminate upon the election and qualification of each successor.

**Section 5. Credentials.** The National Secretary shall prescribe such rules, forms and procedures as are necessary to enable verifiable credentials to be issued to each delegate, which credentials shall bear the seal of the lodge which such delegate represents. Each delegate shall have available for inspection a verifiable copy of his Biennial Conference credentials at all times while within or when seeking admission to the Biennial Conference hall.

**Section 6.** No Delegate or Alternate representing any state or subordinate lodge which is delinquent in the payment of per capita taxes, delinquency fees, assessments, or any other indebtedness due and payable to the Grand Lodge or any state lodge, shall be permitted to, or seated in, the Biennial Conference or National Board meeting.

## **ARTICLE 18**

### **General Counsel**

**Section 1.** There shall be a General Counsel and, when necessary, Associate Counsel, designated by the National President. The General Counsel and such Associate Counsel shall serve as legal representatives to the Grand Lodge in all legal matters.

## **ARTICLE 19**

### **State and Subordinate Lodges**

**Section 1.** The National Board of Trustees of the Grand Lodge shall charter each state lodge and any subordinate lodge in a state having no state lodge.

**Section 2.** For purposes of this Constitution, the District of Columbia shall be considered a state and the Jerrard F. Young Lodge 1 shall be recognized and may function as both a state and subordinate lodge and is entitled to elect a National Trustee to represent its interests on the National Board of Trustees in such manner as is provided in Article 16.

A. For the purpose of this Constitution, the National Secretary with the approval of the National Board of Trustees, shall grant a charter within a sparsely populated state to a state-wide Lodge where the membership shall be open to all law enforcement officers in that state. Such state-wide lodge shall be recognized as and may function both as a state and subordinate lodge and is entitled to elect a National Trustee to represent its interests on the National Board of Trustees in such manner as is provided in Article 16.

B. The status of the charter of the state-wide lodge shall be reviewed by the National Board of Trustees at each Biennial Post-Conference Board meeting. The charter may be withdrawn if expansion efforts are being hindered by its existence or the current members vote to separate into individual lodges.

**Section 3.** Those federal lodges located outside the District of Columbia and created after August 26, 1983 shall function under the jurisdiction of the state lodge of the state in which they are located. The determination as to whether a federal lodge located outside the District of Columbia shall be chartered shall be made by the affected state lodge.

**Section 4.** A subordinate lodge shall consist of not less than ten (10) members. A state lodge shall consist of not less than three (3) subordinate lodges.

### **Section 5. Officers**

A. Every state and subordinate lodge shall provide for the establishment of officers similar in kind, title and duties as set forth herein which officers shall constitute the Board of Trustees or the Executive Board, and for such other officers as may be required by applicable law and shall prescribe the time, method and manner of election of such officers.

B. Each state and subordinate lodge shall provide for the filling of vacancies among its officers occasioned by death, resignation or otherwise.

C. No member shall be nominated, or be a candidate, for more than one office at the same election. No officer-elect shall be a candidate for any other office.

D. In order to be eligible for election to any office, including delegate to the National Biennial Conference, a member shall be and remain in good standing and shall meet all other requirements of the Constitution and By-laws of the lodge of which he seeks to be an officer provided, said Constitution and By-laws have been approved by the state or Grand Lodge, whichever is applicable. Any member not so qualified shall be ineligible for election to any office.

## **Section 6. Constitutions**

A. Each state and subordinate lodge shall adopt a Constitution and such By-laws as it deems necessary for the governance thereof, provided, however, that such Constitution shall not be in conflict herewith.

B. Each state lodge and each subordinate lodge in those states where there is no state lodge shall submit for approval to the Grand Lodge two (2) copies of its Constitution and, if any, its By-laws, and each and every revision thereto. The National Board of Trustees shall, prior to approval thereof, determine that such Constitution and By-laws, if any, and any revisions thereto are not in conflict herewith.

C. Each subordinate lodge in those states where there is a state lodge shall submit for approval two (2) copies of its Constitution and By-laws, if any, and any revisions thereto to its respective state lodge and said state lodge shall, prior to approval thereof, determine that said Constitution and By-laws, if any, are not in conflict with the Constitution and By-laws of that state lodge or the Grand Lodge.

D. In the event a subordinate lodge submits a Constitution or By-laws, or amendments or revisions thereto, to a state lodge for approval and approval is denied in whole or in part, the subordinate lodge or the proponents of the disapproved proposal shall have the right to appeal such ruling to the National Board of Trustees. Such appeal shall be entered by providing written notice thereof not less than sixty (60) days prior to the next meeting of the National Board of Trustees to the National Secretary and the secretary of the state lodge from whose ruling such appeal is taken. Such notice shall include a copy of the proposed Constitution or revision thereto, the state Constitution, the written ruling, if any, denying approval of said Constitution or revision thereto and a statement of the basis upon which appeal is taken. The state lodge from whose ruling the appeal is taken shall provide to the National Secretary not less than thirty (30) days prior to the next meeting of the National Board of Trustees, a written statement setting forth the basis for its denial of approval. The National Board of Trustees may permit representatives of the parties to the appeal to address the National Board or may decide the matter solely upon the written submissions thereof, at its sole discretion.

E. The decision of the National Board of Trustees may be appealed to the Biennial Conference by either party by serving notice upon the National Secretary and the secretary of the opposing party. Such notice of appeal to the Biennial Conference and associated written materials shall be forwarded to the National President who shall deliver them to a committee of the Conference which shall consider the matter and report thereon to the Conference prior to a vote by the delegates. By their acceptance of the charter of the Fraternal Order of Police, each subordinate and state lodge specifically acknowledges and agrees that the decision of the Conference shall be final.

## **Section 7. New Lodges**

A. Each subordinate lodge hereafter established in a state having no state lodge shall pay to the Grand Lodge an initiation fee established by the National Board of Trustees. In states where there is a state lodge, the initiation fee shall be determined by and paid to the state lodge.

B. Each lodge hereafter established and installed shall be entitled to receive, at cost, such necessary supplies, equipment and other paraphernalia as may be prescribed by the National Board of Trustees.

C. No more than one lodge shall be established and maintained in any city, town or other political subdivision. Upon application by a state lodge, the National President may grant an exception for good cause shown, mandated by applicable law. This Section shall not prohibit the establishment or maintenance of any subordinate lodge whose jurisdiction may overlap that of another subordinate lodge.

D. In the event of a dispute between two or more lodges in respect to questions of membership in such lodges or as to the territorial jurisdiction thereof, such dispute(s) shall be resolved by the state lodge, if any, or, in the absence thereof, by the National Board of Trustees, subject to a final appeal to the Biennial Conference.

**Section 8.** A subordinate lodge shall not solicit funds or anything of value for any reason whatsoever in the territory of another subordinate lodge without the written permission of the subordinate lodge in whose territory the solicitation is to be made. Said written permission shall be signed by the president and secretary of the subordinate lodge granting permission and shall certify that permission was given by the subordinate lodge at a regular meeting or a special meeting called for that specific purpose.

## **Section 9. Receivership**

A. The president of any state or subordinate lodge that shall become insolvent shall provide written notice thereof to the National President. In such event, the Grand Lodge may, but shall not be required to assume control of such insolvent state or subordinate lodge for a period of six (6) months, during which period the insolvent lodge shall be operated under the supervision of

the National President or his designee. Extensions in increments of six (6) months may be granted at the request of the state or subordinate lodge president and with the approval of the National President.

B. Upon written request therefor made by two-thirds (2/3) of the governing board of a state or subordinate lodge to the National President, the Grand Lodge may, but shall not be required to assume control of such lodge. In such case, the lodge shall be operated for a period not to exceed six (6) months under the supervision of the National President or his designee.

**Section 10.** Any lodge that is suspended or delinquent as defined in Article 3, Section 1(D), hereof, may be reinstated and restored to good standing by payment of all amounts due, including all delinquency fees.

## **ARTICLE 20**

### **Associate Lodges**

**Section 1.** The Fraternal Order of Police recognizes, acknowledges and validates Associate Lodges of the Grand Lodge, state lodges and subordinate lodges. Such Associate Lodges shall be known as Fraternal Order of Police Associates and may function as Grand Lodge Associates, State Lodge Associates and Subordinate Lodge Associates. Such Associate lodges shall be subject to the control and supervision of the lodge or lodges with which they are affiliated.

**Section 2.** Associate membership is a privilege. Associate membership may be permitted, denied or revoked at the pleasure of the governing body of the lodge with which an Associate Lodge is directly affiliated.

**Section 3.** Associate lodges shall conform to and be governed by a Constitution and such By-laws as they shall adopt and which shall, at all times, be consistent with this Constitution and subject to approval of the governing body of the lodge with which they are affiliated and, ultimately, the Grand Lodge.

## **ARTICLE 21**

### **Auxiliaries**

**Section 1.** The Fraternal Order of Police recognizes, acknowledges and validates Auxiliaries of the Grand Lodge, state lodges and subordinate lodges. Such Auxiliaries may function as Grand Lodge Auxiliary, State Lodge Auxiliaries and Subordinate Lodge Auxiliaries. Such Auxiliaries shall be subject to the control and supervision of the lodge or lodges with which they are affiliated. They shall conform to and be governed by a Constitution and such By-laws as they shall adopt and which shall, at all times, be subject to approval of the governing body of the lodge with which they are affiliated and, ultimately, the Grand Lodge.



## **ARTICLE 22**

### **International Affiliate Lodges and Membership**

**Section 1.** The Fraternal Order of Police recognizes, acknowledges and validates international affiliate lodges of the Grand Lodge. International affiliate lodges shall be formed under the direction of the National Secretary with the approval of the National Board of Trustees and shall conform to this Constitution and the Grand Lodge By-laws and be subject to the control of the National Board of Trustees. They shall promulgate a Constitution and such By-laws, as they deem appropriate, which shall not be inconsistent herewith. They shall report their activities to the National Secretary.

**Section 2.** International affiliate membership shall be comprised of those full-time law enforcement officers with arrest powers in their respective jurisdictions or political subdivisions thereof. Dues will be established by the National Secretary, subject to approval of the National Board of Trustees. International affiliate members shall receive an annual international affiliate membership card, a subscription to the official publication of the Order, the right to purchase Grand Lodge merchandise, access to local and state lodge facilities, access to state conferences and access to the Biennial Conference. They shall have no voting rights outside their respective international affiliate lodges.

**Section 3.** A member of an international affiliate lodge shall not be eligible to hold office in the Grand Lodge, state lodge or subordinate lodge.

## **ARTICLE 23**

### **Discipline**

**Section 1.** This Article shall govern discipline of officers and members of subordinate lodges, state lodges and the Grand Lodge and shall be interpreted in such manner as to afford equity and fairness to all affected thereby.

**Section 2.** Discipline shall be initiated by the Grand Lodge and imposed upon an individual member, a subordinate or a state lodge or a national officer only in extraordinary circumstances where the member, lodge or national officer has acted or failed to act in respect of a matter of direct and significant import to the Grand Lodge or has violated this Constitution, the By-laws, or the Ritual of the Order.

#### **Section 3. Individual Members**

A. Except as otherwise provided herein, individual members shall only be disciplined by the subordinate or state lodge of which they are members or by the Grand Lodge in the absence of a state lodge, and each subordinate and state lodge shall develop and promulgate rules that provide for the fair and appropriate discipline of its members and are not inconsistent with this Constitution.

B. In the case of discipline imposed upon an individual member involving suspension, expulsion or removal from office by a subordinate lodge, an appeal may be taken by the

member to the state lodge and an appeal may be taken from the decision of the state lodge by the non-prevailing party to the National Board of Trustees and, ultimately, to the Biennial Conference.

1. An appeal to the state lodge may be brought by the filing of a written notice of appeal with the state president not more than thirty (30) days after the member's receipt of official notification of his suspension, expulsion or removal from office. Unless continued or delayed for good cause, such appeal shall be heard by the state lodge at the next board meeting following the state lodge president's receipt of such notice of appeal and, unless waived in writing by both the appealing member and the responding lodge, a written decision shall be rendered by the board within ten (10) days after such meeting. Both the appealing member and the lodge from whose action the appeal is brought shall have the right to a hearing at which both parties may be heard and may present witnesses and documents. Such hearing shall be conducted in conformity with Article 23 of the By-laws. The parties to the appeal shall receive notice of the date of the hearing by registered mail not less than ten (10) days before such hearing.

2. The state lodge may sustain, modify or reverse the disciplinary action against the member.

3. In states having no state lodge, an appeal may be brought directly to the National Board of Trustees in the same manner as is prescribed for appeal to the state lodge officers.

C. In any case of discipline involving suspension, expulsion or removal from office of an individual member initiated by a state lodge, or upon the decision of the state lodge in respect to an appeal from the action of a subordinate lodge, an appeal may be taken to the National Board of Trustees and, ultimately, to the Biennial Conference.

D. A party seeking to appeal from the decision of the state lodge shall give notice of appeal to the National Board of Trustees by submitting by registered mail within thirty (30) days of the party's receipt of notice thereof, a written submission consisting of the decision from which the appeal is taken and such other written materials as the appellant deems relevant to a fair consideration of the appeal by the National Board of Trustees. The appellant shall serve one (1) copy of the notice of appeal (including all written submissions) upon the opposing party (which shall be the state or subordinate lodge secretary where such opposing party is a lodge). Where the appealing party is a subordinate lodge, it shall submit fifty (50) copies thereof and where the appealing party is an individual member, he shall serve one (1) copy thereof upon the National Secretary not less than sixty (60) days prior to the National Board of Trustees meeting at which the appellant seeks to have his appeal heard. The party opposing the appeal shall, within thirty (30) days of his receipt of the notice of appeal, submit a responsive written submission to the National Secretary and the opposing party, which responsive submission shall contain such materials as it deems appropriate and relevant to a fair consideration of the appeal by the National Board of Trustees. In cases in which the responding party is a state or subordinate lodge, such lodge shall submit fifty (50) copies of its responsive submission to the National Secretary. In cases in which the party opposing the appeal is an individual member, he shall submit one (1) copy of his responsive submission to the National Secretary.

E. Except in the case of discipline initiated thereby, the National Board of Trustees shall review appeals of disciplinary matters solely to ensure that the parties were afforded due process and that the decision was consistent with this Constitution, the By-laws, and Ritual of the Grand Lodge.

1. Those appeals received by the National Secretary after the Biennial Conference but before the next National Board of Trustees meeting shall be considered by the National Board of Trustees. The National President may appoint a special committee which shall meet, gather and review facts and arguments of the parties, consult with all interested parties in attendance and make a full report, including its recommendation, to the Board prior to its adjournment.

2. Following the report of the special committee, interested parties, if any, may appear before the entire Board which shall decide the matter by majority vote.

F. An appeal to the Biennial Conference may be taken by either party from the decision of the National Board of Trustees respecting any appeal of disciplinary action imposed upon an individual member by a subordinate lodge, a state lodge or discipline imposed by the National Board of Trustees.

1. A party seeking to appeal a decision of the National Board of Trustees to the Biennial Conference shall serve notice thereof upon the National Secretary and the opposing party. Such notice of appeal shall consist of a concise statement describing the act or failure to act upon which the appeal is based, the basis for such appeal, the decision appealed from, and those written materials the appellant deems appropriate and relevant to a fair consideration of the appeal by the National Board of Trustees. The opposing party may respond in writing to such notice of appeal with such materials as it deems necessary and shall submit a copy of such response to the National Secretary and the appealing party. Said notice of appeal and any responsive submissions shall be forwarded by the National Secretary to the National President who shall deliver said materials to a committee of the Conference which shall consider the matter and report thereon to the Conference prior to a vote thereon by the delegates. By their taking of the oath or their acceptance of the charter of the Fraternal Order of Police, each member and each lodge specifically acknowledges and agrees that the decision of the Conference shall be final.

G. Discipline may be initiated by the Grand Lodge and imposed upon an individual member only in extraordinary circumstances, in which case, such member shall be afforded a hearing of which he will be given notice, at which he will be permitted to present witnesses and documents and in which process he shall be afforded the same protections set forth in respect to discipline imposed by a local lodge.

#### **Section 4. Subordinate and State Lodges**

A. Except as otherwise provided herein, a subordinate lodge shall only be disciplined by the state lodge of which it is a member. A state lodge shall only be disciplined by the Grand Lodge. Such discipline may be imposed only upon a showing of good and sufficient cause

after a fair hearing by the state lodge's governing body (in respect to subordinate lodges) or the National Board of Trustees (in respect to state lodges) and may include suspension or revocation of a lodge's charter. Such hearing shall be conducted in conformity with Article 23 of the By-laws.

B. A subordinate lodge may appeal from the imposition of discipline by its respective state lodge to the National Board of Trustees and, ultimately, the Biennial Conference.

1. Such appeal shall be commenced by serving upon the National Secretary and the secretary of the state lodge from whose action the appeal is brought, within thirty (30) days of notice of the action appealed from and by certified mail, a notice of appeal. Such notice of appeal shall consist of the decision or ruling appealed from and all relevant written materials believed by the subordinate lodge to be necessary for a fair consideration of the matter by the National Board of Trustees. Fifty (50) copies of said notice of appeal shall be served upon the National Secretary for distribution to the members of the National Board.

2. Not more than thirty (30) days after receipt of the subordinate lodge's notice of appeal, the state secretary shall serve fifty (50) copies upon the National Secretary and one (1) copy upon the opposing party, of its statement of position and/or response to the appeal of the subordinate lodge which submission shall, in any case, include a copy of the minutes reflecting the action from which the appeal is taken and such other materials as the state lodge deems appropriate.

3. Those appeals received by the National Secretary after the Biennial Conference shall be considered by the National Board of Trustees at its next meeting. The National President may appoint a special committee which shall meet, gather and review facts and arguments of the parties, consult with all interested parties in attendance and make a full report, including its recommendation, to the Board prior to its adjournment.

4. Following the report of the special committee, interested parties may appear before the entire Board which shall consider the matter and render its decision, provided, however, that a charter of a state or subordinate lodge shall not be revoked or suspended except upon a vote of three-fourths (3/4) of the National Board of Trustees. The decision of the National Board of Trustees shall be final unless, by a majority vote of those members of the Board present, further investigation is deemed necessary, in which event the National President shall direct the special committee to investigate the matter further and make a final report at the next Biennial Conference or upon the appeal of the non-prevailing party to the Biennial Conference. By their acceptance of the charter of the Fraternal Order of Police, each lodge specifically acknowledges and agrees that the decision of the Conference shall be final.

5. Except in the case of discipline initiated thereby, the National Board of Trustees shall review appeals of disciplinary matters solely to ensure that the parties thereto were afforded due process and that the decision appealed from was consistent with this Constitution and the By-laws and Ritual.

C. In the event that the charter of a state lodge or a subordinate lodge in a state

that has no state lodge is suspended, the National Board of Trustees is authorized and empowered to take such steps as are necessary to take possession, control and custody of all books, records, and assets and to provide for the supervision, government and administration of such lodge.

D. Upon final resolution of the matter, the National Board of Trustees shall either return all properties previously impounded to said lodge, or, if said matter results in the revocation or cancellation of the charter of said lodge, dispose of the books, records, and assets of said lodge in accordance with both the law of the state wherein said lodge is located and the Constitution of that state lodge, provided, however, that should the charter of a state lodge be cancelled or revoked, disposition of the books, records and assets of said lodge shall be in accordance with state law and the direction of the National Board of Trustees.

### **Section 5. Grand Lodge National Officers**

A. National officers shall be subject to discipline, including censure, reprimand, removal from office or expulsion from the Order only upon proof of good cause.

B. Allegation(s) of misconduct against a national officer in respect to his duties as a national officer shall only be brought by a member of the National Board of Trustees. Said allegation(s) shall be in writing and notice thereof shall be served upon the national officer against whom the allegation(s) are made and the National Secretary, provided, however, that if such allegation(s) are made against the National Secretary, said allegation(s) shall be served upon the National President. Said allegation(s) shall specifically describe the nature of the alleged misconduct in sufficient detail for a determination by the National Board of Trustees as to whether there exists good cause to proceed with the inquiry.

C. Upon service of the allegation(s) on the affected national officer and the National Secretary (or National President, as the case may be), copies of the allegation(s) shall be distributed to each member of the National Board of Trustees. The national officer against whom the allegation(s) are made shall, within thirty (30) days of receipt of the allegation(s), prepare a response thereto and serve said response upon the National Secretary (or National President, as the case may be), which response shall be distributed to each member of the National Board of Trustees. The National Secretary or National President, in the event that the allegation(s) pertain to the National Secretary, shall forward to each National Trustee an anonymous ballot upon which each National Trustee shall indicate, after reviewing the allegation(s) and the response thereto, whether he believes that there exists good cause to proceed with the inquiry. Said ballots shall be returned to the national officer from whom they are received and shall be counted and the results thereof certified to the Chairman of the National Trustees (unless he is the national officer against whom the allegations are made, in which case the results shall be certified to the National President). The ballots shall be retained until the resolution of the matter.

D. Upon receipt by the Chairman of the National Trustees (or the National President, as the case may be) of the certified results of the ballot, said national officer shall determine whether good cause to proceed further with the inquiry was found by the National Board

of Trustees. A majority vote of all of the members of the National Board of Trustees shall be necessary for a finding of good cause to proceed further with the inquiry. The Chairman of the National Trustees shall either (i) immediately cause the National Secretary to (or shall himself) distribute to each member of the National Board of Trustees notice that good cause was not found to proceed with an inquiry, or, (ii) certify to the National President (or to the National Vice President in the event that the allegations are made against the National President) that good cause has been found to proceed with further inquiry. The National President (or National Vice President) shall declare an emergency, call a meeting of the National Board of Trustees and ensure that notice thereof is given in accordance with Article 8 of this Constitution within forty-five (45) days of said notice.

E. The emergency meeting of the National Board of Trustees shall be held for the purpose of resolving the charges against the national officer and there shall occur a disciplinary hearing thereon before the National Board of Trustees at which the charged national officer shall be entitled to counsel and shall be afforded due process to the same extent afforded members and lodges herein. The Chairman of the National Trustees (or the National President, if the charges have been brought against the Chairman) shall preside over such disciplinary hearing and shall resolve all questions of procedure and evidence.

F. No disciplinary action shall be taken upon a national officer except upon three-fourths (3/4) vote of the National Board of Trustees entitled to vote.

G. A national officer against whom discipline is imposed in accordance herewith shall be entitled to appeal the decision of the National Board of Trustees to the next Biennial Conference. By taking the oath of office, each national officer acknowledges and agrees that until and unless reversed by the Biennial Conference, however, the decision of the National Board of Trustees shall be final.

1. An appeal by a national officer shall be made by filing notice thereof with the National Secretary within thirty (30) days of the decision of the National Board of Trustees.

2. The national officer taking the appeal shall be permitted to address the Biennial Conference for such time as the Chair shall deem appropriate and the Chairman of the National Trustees (or the National President, as the case may be) shall be permitted an equal amount of time to respond thereto.

H. Any member of the National Board of Trustees who brings an allegation against another national officer which allegation is found to be brought frivolously or for personal gain shall, himself, be subject to discipline by the National Board of Trustees.

## **ARTICLE 24**

### **Legal Aid**

Upon such terms and in accordance with procedures established in Article 24 of the By-laws, a

member, subordinate lodge or state lodge may request and be granted legal assistance or financial aid.

## **ARTICLE 25**

### **Resolutions**

Resolutions may be submitted for vote upon by the delegates of the Biennial Conference. Such proposed resolutions may be submitted at any time between or during the Biennial Conferences, provided, however, that each resolution shall be submitted not later than the recess of the next to last business session of the Biennial Conference. All proposed resolutions shall be in writing, shall state the basis for the resolution, and shall be submitted to the National Secretary who shall review same for grammar, clarity and meaning.

## **ARTICLE 26**

### **Official Journal**

**Section 1.** There shall be an official publication of the Order, the name of which shall be determined by the National Board of Trustees. The National Board of Trustees shall, through the National Secretary, manage, supervise and control the official publication.

**Section 2.** All revenue derived from the operation of the official publication of the Order shall be forwarded to the National Secretary, who shall forward the same to the National Treasurer for deposit to the credit of the general fund.

**Section 3.** The publisher of the official publication of the Order shall submit a complete written report to the National Secretary within thirty (30) days at the end of the fiscal year, which report shall include the number of issues and copies of official publication published and mailed to the membership and the amount of revenue derived there from and funds expended in the publication and mailing thereof.

## **ARTICLE 27**

### **Official Order of Business**

The Order of Business shall be:

1. Reading call for Conference.
2. Roll call of officers.
3. Appointment of Committee on Credentials.
4. Report of Committee on Credentials.
5. Roll call of delegates.
6. Appointment of other Committees.
7. Reading of rough minutes of previous meeting.
8. Introduction of Resolutions.
9. Report of Board of Directors.
10. Report of Board of Trustees.
11. Reports of officers.

12. Bill and Communications.
13. Reports of Committees.
14. Unfinished Business.
15. New Business.
16. Nomination of officers and meeting of next succeeding Conference.
17. Good of the Order.
18. Election of officers and selection of next succeeding Conference.
19. Installation of officers.
20. Adjournment.

## **ARTICLE 28**

### **Parliamentary Procedure**

Except as provided in this Constitution and the By-laws, the latest edition of "Roberts' Rules of Order" shall govern the conduct and deliberations of the Biennial Conference, meetings of the National Board of Trustees and committees of the Order.

## **ARTICLE 29**

### **Official Ritual**

**Section 1.** There shall be an official Ritual of the Order which shall be known as the Fraternal Order of Police Ritual.

**Section 2.** Revisions to the Fraternal Order of Police Ritual shall be made in the same manner as amendments to this Constitution.

## **ARTICLE 30**

### **Constitutional Amendments**

**Section 1.** Only a subordinate lodge, state lodge, or a majority of the National Board of Trustees may propose an amendment to this Constitution which proposed amendment shall be submitted for consideration and vote at an announced time certain by the Biennial Conference. No proposed amendment shall become a part of this Constitution except upon a two-thirds (2/3) vote of the registered Biennial Conference delegates who are present on the floor at the time of the vote.

**Section 2.** A proposed amendment to this Constitution shall be submitted in writing to the National Secretary not less than *one hundred twenty (120) days* prior to the Biennial Conference at which it is to be considered. Such proposed amendment shall be attested to by the secretary and shall bear the official seal of the lodge submitting same or by the National Secretary if proposed by the National Board of Trustees and shall state the date of the meeting at which it was agreed that the proposal would be submitted for consideration by the Biennial Conference. The National Secretary shall mail a copy of such proposed amendment and any related materials to each member of the National Board of Trustees, each state and subordinate lodge secretary, and the Chairman of the



Constitution and By-laws Committee not less than sixty (60) days prior to the next Biennial Conference. (Amended 8/99)

**Section 3.** A proposed amendment shall contain the precise language of the proposed amendment, shall specifically set forth the language to be added, deleted and/or revised, and shall identify each and every Article and Section of this Constitution affected thereby. Proposed amendments shall not be set forth in resolution form but shall be accompanied by a statement, not to exceed one (1) page in length, setting forth the basis for the proposed amendment.

**Section 4.** The Constitution and By-laws Committee shall receive proposed amendments to this Constitution and shall review same for form, grammar, placement within this Constitution and substance and shall report to the Biennial Conference its conclusions and recommendations thereon.

### **ARTICLE 31**

#### **Dues, Assessments, and Administrative Fees**

##### **Section 1. Dues**

A. Each subordinate lodge shall pay through their respective state lodge and, where there is no state lodge directly to the Grand Lodge, an annual per capita tax of *five dollars (\$5.00) for each member thereof in the calendar year 2000. In the calendar year 2001, that amount shall increase to five dollars and fifty cents (\$5.50) for each member thereof.* (Amended 8/99)

B. Each state lodge, and, in states having no state lodge, each subordinate lodge, shall collect and transmit to the National Secretary per capita taxes and assessments as established herein together with a complete roster of the lodge.

C. The annual per capita tax shall be paid in two (2) installments.

1. The first installment shall be paid in respect to all members in good standing on October 1st of each year and shall become due and payable on November 1st of the same year. Said installment shall maintain a lodge's good standing for the six (6) month period commencing on January 1st of the following year.

2. The second installment shall be paid in respect to members in good standing on April 1st of each year and shall become due and payable on May 1st of the same year. Said installment will maintain a lodge's good standing for the six (6) month period commencing on July 1st of the same year.

D. There shall be assessed by the National Secretary a delinquency fee of ten percent (10%) of the outstanding delinquency upon any lodge failing to pay over to the Grand Lodge per capita taxes within thirty (30) days of the date due. Reinstatement of any lodge suspended by reason of failure to pay per capita shall be conditioned upon full payment of outstanding per capita plus any delinquency fee.

# **BY - LAWS**

## **ARTICLE 1**

### **Name and Insignia**

**Section 1.** No member or state or local lodge shall use the name or insignia of the Fraternal Order of Police except as authorized by the Constitution, the National Board of Trustees or set forth herein.

**Section 2.** The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof by a member, local lodge or state lodge, shall be grounds for discipline, including suspension, expulsion, removal from office, or revocation of lodge charter.

**Section 3.** The National Secretary shall promulgate such rules as he deems necessary to protect, police, regulate and license the trademarks of the Order and to ensure that the name and insignia of the Order is used only for the purposes established by and in accordance with the authority granted by the National Board of Trustees.

## **ARTICLE 2**

### **Character**

**Section 1.** The Grand Lodge shall take cognizance of all matters of nation-wide and interstate scope and concern affecting the welfare and interests of law enforcement officers and their dependents. The National Board of Trustees or, in case of emergency, the National President, shall take such immediate action as shall be necessary to safeguard their welfare or interests by providing aid and such other services as shall be required.

**Section 2.** In matters of purely intrastate scope and concern, the National Board of Trustees or the National President, as the case may be, may provide such legal or technical advisory services as may be appropriate.

## **ARTICLE 3**

### **[RESERVED]**

## **ARTICLE 4**

### **[RESERVED]**

## **ARTICLE 5**

### **Organization**

**Section 1.** There shall be established such committees of the Order as the National Board of Trustees or the National President shall prescribe.

**Section 2.** The National President and National Vice President shall appoint members to committees in accordance with the provisions of Article 9 and Article 11 of the Constitution.

**Section 3. Legislative Committee**

A. There shall be a five (5) member National Legislative Committee, three (3) members of which shall be appointed by the National President and two (2) members of which shall be appointed by the National Vice President. A Chairman shall be named by the National President and no more than one (1) member shall be appointed from any one (1) state.

B. Qualified lobbyist(s) may be employed by the National President, subject to the advice and consent of the National Board of Trustees. Remuneration of such lobbyist(s) shall be determined by the National Board of Trustees. The lobbyist(s) shall perform such duties as may, from time to time, be prescribed by the National Board of Trustees. Said lobbyist(s) shall report on the status of legislation to the National President and the Legislative Committee in such frequency as they shall prescribe. A report of the lobbyist(s) shall be published by the National Secretary in each issue of the official publication of the Order. The lobbyist(s) shall submit a written report of expenses and activities not less than thirty (30) days prior to the Biennial Conference and any meeting of the National Board of Trustees.

**Section 4. Biennial Conference Site Review Committee**

A. There shall be a Biennial Conference Site Review Committee appointed by the National President at the conclusion of each Biennial Conference. The National Secretary shall be an *ex officio* member of said committee.

*B. Locations bidding for the Biennial Conference site shall submit in writing to the National Secretary their intention no later than October 1 of the even year prior to the site selection. The committee shall review such proposed sites and shall report to the National Board of Trustees no later than the third required National Board Meeting. The National Board of Trustees may vote to remove a site from consideration should it fail to meet the established site criteria.*

*Any site denied consideration by the National Board may appeal to the delegates of the conference. (Amended 8/99)*

C. Said committee shall promulgate criteria by which each site shall be evaluated, which criteria shall include availability of appropriate number of hotel accommodations, meeting rooms, transportation facilities and such other criteria as the committee shall deem appropriate.

D. Said committee shall report its findings to the Biennial Conference prior to the vote of the delegates in respect to the site of the Biennial Conference.

## **Section 5. Election Committee**

A. There shall be a standing Election Committee which shall be comprised of not less than seven (7) members, appointed by the National President and National Vice President in accordance with the provisions of Article 9, Section 3 and Article 11, Section 1, respectively, of the Constitution, who shall distribute the ballots and canvass the votes.

B. The Election Committee shall adopt rules and regulations for conduct of elections subject to the approval of the Conference.

C. After the polls have been declared closed, the Election Committee shall count the votes, determine how many have been cast for each candidate and report the results to the National President and the Biennial Conference.

## **Section 6. Constitution and By-laws Committee**

A. There shall be a standing committee known as the Constitution and By-laws Committee, the members and chairman of which shall be appointed by the National President and National Vice President in accordance with Article 9, Section 3 and Article 11, Section 1, respectively, of the Constitution.

B. The Constitution and By-laws Committee shall receive and consider proposed amendments to this Constitution and By-laws and shall report thereon to the Biennial Conference prior to its consideration thereof.

C. The Constitution and By-laws Committee shall meet from time to time as deemed appropriate by the National President in order to consider amendments to this Constitution and By-laws deemed necessary by the National Board of Trustees and shall, with the assistance of the General Counsel, advise the National President in respect to questions of constitutional interpretation that may arise from time to time.

**Section 7.** There shall be a standing committee known as the Legal Assistance and Financial Aid Committee, the members and chairman of which shall be appointed by the National President and National Vice President in accordance with Article 9, Section 3 and Article 11, Section 1, respectively, of the Constitution. The Legal Assistance and Financial Aid Committee shall consider all requests for legal aid or assistance submitted pursuant to Article 24 of the Constitution and Article 22 hereof.

**Section 8.** The chairman of each committee created by the National Board of Trustees or the National President shall submit a written report of the activities of the committee to the National Secretary not less than thirty (30) days prior to the commencement of the Biennial Conference.

## **ARTICLE 6**

### **National Officers**

**Section 1.** Any officer, committee member, or member performing the duties of or service for the Grand Lodge, whether by order of the National Board of Trustees or the National President, shall receive a per diem allowance of not less than \$60.00 per day, nor more than \$100.00 per day, as shall be determined by the National Board of Trustees. Each member seeking compensation from or reimbursement by the Grand Lodge shall furnish to the President a voucher which shall provide a detailed statement of expenses incurred and paid by him in the service of the Grand Lodge, which voucher shall be approved or rejected by the President.

## **ARTICLE 7**

### **National Executive Board**

**Section 1.** The National Executive Board shall issue a report within sixty (60) days of each meeting thereof through the office of the National Secretary to each member of the National Board of Trustees.

**Section 2.** The National Executive Board shall meet in May of each year to establish a budget of line items in respect to each and every financial activity of the Grand Lodge for the next following fiscal year and shall submit same to each member of the National Board of Trustees within thirty (30) days thereof in order that said budget shall be approved at the next meeting of the Board.

## **ARTICLE 8**

### **National Trustees**

**Section 1.** Except as otherwise provided, the National Trustees shall have charge of and be responsible for all property of the Order. The National Trustees, by the body as a whole or by delegation, shall:

- A. Have ultimate responsibility for the physical property of the Order.
- B. Make a complete and itemized inventory and reconcile the same to the books and records of the Order.
- C. Within sixty (60) days after adjournment of the Biennial Conference, through the Chairman, file with the National Board of Trustees, a certified copy of such inventory.
- D. Prescribe the amount and form of bond to be required of national officers from whom such bond may be required for the faithful performance of their duties.
- E. Conduct an annual audit of the financial books and records of the Order's and, through the Chairman, report thereon to the National Board of Trustees.

F. Ascertain that all monies received have been allocated to and deposited in the proper accounts of and in the name and to the credit of the Order.

G. Upon order of the Biennial Conference or National Board of Trustees, order the National Treasurer to invest the surplus funds of the Order in such securities or other financial instruments as shall be secure and earn the highest interest practicable.

H. Biennially make a full and complete report to the Biennial Conference of all business transacted since the last Biennial Conference.

## **ARTICLE 9**

### **National President**

**Section 1.** The National President shall submit a written report to the National Secretary not less than thirty (30) days prior to the opening of the Biennial Conference.

**Section 2.** At each meeting of the National Board of Trustees, he shall submit a full and complete written report in respect to the business transacted by him since the last meeting of the National Board of Trustees together with such recommendations as he may deem advisable.

**Section 3.** The National President shall receive as compensation for his service *thirty-three thousand dollars (\$33,000.00)* per year. The National President shall be reimbursed for ordinary and necessary expenses incident to his office and shall not receive a per diem. Subject to the approval of the National Board of Trustees, the National President shall be provided a car which may be purchased or leased and which shall be properly insured at the expense of the Grand Lodge and a family health plan (in the event no other insurance is provided to the National President) costing the same as the family health plan then being paid by the home agency of the President. The National President is authorized to retain a secretary of his choosing who shall be paid an annual salary as determined by the National Board of Trustees. (Amended 8/99)

## **ARTICLE 10**

### **Past National Presidents**

**Section 1.** Each Past National President who shall serve upon the National Board of Trustees, whether pursuant to Article 10, Section 1 or Section 2, of the Constitution, shall submit a report in writing to the National Secretary thirty (30) days prior to the opening of the Biennial Conference covering the period during which he served.

## **ARTICLE 11**

### **National Vice President**

**Section 1.** The National Vice President shall submit a report in writing to the National Secretary thirty (30) days prior to the opening of the Biennial Conference.

## **ARTICLE 12**

### **National Secretary**

**Section 1.** The National Secretary shall prepare said reports in printed forms and furnish one (1) copy to each delegate in attendance at the Conference, and one (1) copy to each subordinate lodge who may not be represented at the Conference.

**Section 2.** The National Secretary shall furnish each state and subordinate lodge with delegate credential blank forms in duplicate equal to the number of delegates to which such lodge may be entitled. Such delegate credential blank forms shall be filled out by the Secretary of the state or subordinate lodge certifying the election of such delegates, shall be signed by the President and Secretary of the lodge, authenticated by the seal of the lodge, and one (1) copy shall be forwarded to the National Secretary at least thirty (30) days prior to the date fixed for the holding of the Biennial Conference.

**Section 3.** The National Secretary shall receive as compensation for his service *twenty-four thousand seven hundred and fifty dollars (\$24,750.00)* per year. The National Secretary shall be reimbursed for ordinary and necessary expenses incident to his office and shall not receive a per diem. (Amended 8-99)

**Section 4.** A petty cash fund in the amount of Five Hundred dollars (\$500.00) shall be allowed to the National Secretary for the purpose of paying emergency current expenses.

**Section 5.** The National Secretary shall be responsible for the compilation, printing, and distribution of the Constitutions and these By-laws.

**Section 6.** The National Secretary shall be an *ex officio* member of the Biennial Conference Site Review Committee.

## **ARTICLE 13**

### **National Treasurer**

**Section 1.** The National Treasurer shall submit a written report to the National Secretary not less than thirty (30) days prior to the opening of the Biennial Conference.

**Section 2.** The National Treasurer shall receive as compensation for his service *twenty-four thousand seven hundred and fifty dollars (\$24,750.00)* per year. The National Treasurer shall



be reimbursed for ordinary and necessary expenses incident to his office and shall not receive a per diem. The National Treasurer is authorized to retain a secretary of his choosing who shall be paid an annual salary as determined by the National Board of Trustees. *(Amended 3/99)*

**Section 3.** The National Treasurer shall cause an annual audit of the accounts, books and records of the Order to be conducted by a certified public accountant pursuant to the Constitution. Article 5, Section 3.

#### **ARTICLE 14**

##### **National Second Vice President**

**Section 1.** The National Second Vice President shall submit a written report to the National Secretary not less than thirty (30) days prior to the opening of the Biennial Conference.

#### **ARTICLE 15**

##### **National Sergeant at Arms**

**Section 1.** The National Sergeant at Arms shall submit a written report to the National Secretary not less than thirty (30) days prior to the opening of the Biennial Conference.

#### **ARTICLE 16**

##### **National Trustee**

**Section 1.** Each National Trustee shall submit a written report to the National Secretary not less than thirty (30) days prior to the opening of the Biennial Conference.

**Section 2.** The National Trustees shall meet as a whole prior to the opening of any meeting of the National Board of Trustees to discuss any business it deems necessary and to formulate recommendations to the full National Board of Trustees.

#### **ARTICLE 17**

##### **Delegates**

**[RESERVED]**

**ARTICLE 18**  
**General Counsel**

**Section 1.** The General Counsel shall report to the National Board of Trustees at each meeting thereof upon any legal matter of significance to the Order. He shall submit a report in writing to the National Secretary not less than thirty (30) days prior to the opening of the Biennial Conference.

**ARTICLE 19**  
**State and Subordinate Lodges**

**Section 1.** Each state lodge of the Order shall maintain a bond or insurance in respect to the fidelity of those officers or members having access to or control over the funds of the lodge. Each subordinate lodge shall provide proof of such bond or insurance to the state lodge with which it is affiliated and each state lodge shall provide proof of such bond or insurance to the Grand Lodge. No state or subordinate lodge shall be eligible for financial aid or assistance from another lodge or the Grand Lodge except upon proof of maintenance of such bond or insurance.

**ARTICLE 20**  
**Associate Lodges**  
**[RESERVED]**

**ARTICLE 21**  
**Auxiliaries**  
**[RESERVED]**

**ARTICLE 22**  
**International Affiliate Lodges and Membership**  
**[RESERVED]**

**ARTICLE 23**  
**Discipline and Hearings**

**Section 1.** In respect to any disciplinary hearing conducted by any lodge of the Order, due process shall be afforded the parties thereto.

**Section 2.** In all disciplinary hearings conducted by any lodge of the Order, the body conducting such hearing shall:

A. Require the complaint(s), charge(s) or allegation(s) be made under oath and in writing and provide such facts as may enable the charged party to be fairly apprised of the nature of the charge:

B. Ensure that the party charged is provided with a copy of such complaint, charge or allegation and given sufficient time, which in any event shall be not less than thirty (30) days, to prepare a defense, if any, thereto:

C. Conduct a hearing upon the matter during which the trier of fact shall limit the scope of the inquiry to the specific complaint(s), charge(s) or allegation(s) set forth in the written notice thereof:

D. Adhere to an order of procedure which places the burden of proof upon the party charging the member, lodge or national officer:

E. Permit the parties thereto to introduce documents and exhibits and the testimony of witnesses in accordance with such rules of evidence as may be determined and applied uniformly by such body:

**Section 3.** Discipline may be imposed upon a member or lodge for any violation of the good of the Order, including, but not limited to, the following:

A. Violation of the Constitution, these By-laws, of the Ritual, oath or obligations of the Order:

B. Acts of disloyalty to the Fraternal Order of Police, including, but not limited to, overt attempts to decertify the Fraternal Order of Police where such lodge is the certified bargaining representative of its members, holding office in an organization which encourages members of the Fraternal Order of Police to leave the Order or, where applicable, which attempts to decertify the Order or such other acts as bring disrepute, disgrace or dishonor upon the Fraternal Order of Police:

C. Distribution or use of the national membership list for any reason without the express permission of the National Board of Trustees or the National Secretary; and,

D. The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof.

## **ARTICLE 24**

### **Legal Aid**

**Section 1.** Requests for legal assistance or financial aid shall be made in the following manner:

A. A written request for aid or assistance setting forth the specific aid or assistance requested and the reasons therefor shall first be made to the appropriate subordinate lodge.

B. In the event that the subordinate lodge is unable to provide all or a part of the requested aid or assistance, the subordinate lodge may request such aid or assistance from the appropriate state lodge. The request of the subordinate lodge shall include the original request and a statement of the action taken thereon by the subordinate lodge.

C. In the event that the subordinate lodge and the state lodge, together or separately, are unable to provide all or some part of the requested aid or assistance, the subordinate lodge may request such aid or assistance from the Grand Lodge. The request of the subordinate lodge shall include the original request and a statement of the action taken thereon by the subordinate lodge and the state lodge.

D. A subordinate lodge in a state having no state lodge may request such aid or assistance directly from the Grand Lodge. The appeal and all of the facts must be in written form.

E. Requests for legal assistance or financial aid shall be made to the Grand Lodge in writing, shall include all appropriate and relevant documentation and materials, and forwarded to the National Secretary who shall forward copies of same to the Chairman of the Legal Assistance and Financial Aid Committee and the National President.

**Section 2.** The Legal Assistance and Financial Aid Committee shall meet and confer (in person or telephonically) in respect to each request and shall determine whether the requesting member or lodge has complied with the provisions of this Article. In the event that the request has followed the procedures set forth herein, the committee shall further review the request, conduct such investigation as it deems necessary or appropriate, and make its recommendation to the National Board of Trustees, which recommendation shall be in writing.

**Section 3.** All requests for legal assistance or financial aid shall be heard at the next meeting of the National Board of Trustees. In the case of an extreme emergency where time is of the essence and the delay caused by waiting for the next meeting of the National Board of Trustees could cause irreparable injury, a direct request may be made to the National President, which request shall be in the same form as otherwise provided herein for request made to the National Board of Trustees. The National President and the National Executive Board shall consider the matter and, upon majority vote thereof, may grant the legal aid requested.

- E. The offices of other National Officers
- F. The National Trustees
- G. Committees of the Grand Lodge
- H. Legal Expense
- I. Contingency Fund

**Section 2.** Unappropriated funds plus any surplus funds collected above appropriated revenues shall be invested by the National Treasurer into the Contingency Fund and shall be subject to appropriation to deficit accounts only upon the declaration and notification to the National Board of Trustees by the National President that an emergency exists in respect to a particular account.

**Section 3.** Any other provision of these By-laws notwithstanding, the National President shall not approve any warrant or voucher in excess of the budgeted amount for any particular line item, or sub-line item account. Each national officer, committee chairman, advisor, sub-contractor and employee will cooperate in the institution of and compliance with the annual budget of the Grand Lodge and will, upon request therefor, submit an itemized budget with respect to anticipated revenues and expenses in their area of control or interest for the next fiscal year.

## **ARTICLE 30**

### **By-law Amendments**

**Section 1.** In order to amend these By-laws, a subordinate lodge, state lodge, or a majority of the National Board of Trustees shall submit the proposed amendment to the National Secretary not less than *one hundred twenty (120) days* prior to the Biennial Conference at which the proposed amendment is to be considered. The National Secretary shall distribute such proposed amendment and any related materials to each state and subordinate lodge secretary and each national officer not less than sixty (60) days prior to the Biennial Conference at which such proposed amendment is to be considered. Upon adoption by a vote of two-thirds (2/3) of the registered Conference delegates who are present on the floor at the time of the vote, the proposed amendment shall become a part of these By-laws. *(Amended 8/99)*

**Section 2.** A proposed amendment shall contain the precise language of the proposed amendment, shall specifically set forth the language to be added, deleted and or revised and shall identify each and every Article and Section of these By-laws affected thereby. Proposed amendments shall not be set forth in resolution form but shall be accompanied by a statement, not to exceed one (1) page in length, setting forth the basis for the proposed amendment.

**Section 3.** The Constitution and By-laws Committee shall receive proposed amendments to these By-laws and shall review same for form, grammar, placement within these By-laws and substance, and shall report its conclusions and recommendations thereon to the Biennial Conference.

## **ARTICLE 31**

### **Dues, Assessments, and Administrative Fees**

**Section 1.** The National Secretary shall transmit all funds collected in respect of per capita taxes and assessments to the National Treasurer for deposit in the proper accounts. Upon receipt of all dues and assessments owing from each lodge, the National Secretary shall furnish such lodge the Password and a dues card for each member for whom payment is made.

**Section 2.** The official dues card of the Grand Lodge shall be printed thereby, shall be pre-numbered and shall be of a different color each year. No state lodge, subordinate lodge or member thereof shall print or cause to be printed, a replica of the official dues card of the Grand Lodge nor shall any member use any other dues card for Active Members.

**Section 3. Assessments.** In the event of an emergency, as determined by the National Board of Trustees in accordance with Article 31 of the Constitution, the National Board of Trustees shall first determine the amount of assessment required from each member in order to meet the emergency.

A. The National Board of Trustees shall then notify each subordinate lodge by certified mail of its intent to levy an assessment upon the membership, setting forth the reason for the assessment and a detailed account of probable expenditures.

B. Each subordinate lodge shall notify the National Board of Trustees within thirty (30) days of its receipt of notice of its intent to levy an assessment of its approval or disapproval of the proposed assessment. Each subordinate lodge shall be entitled to cast votes equal in number to the number of delegates to which it was entitled at the immediately preceding Biennial Conference. In the event that the vote of any subordinate lodge fails to arrive at the office of the Grand Lodge within the prescribed thirty (30) days, the date of the Postmark shall be considered as prima-facie evidence that the vote was filed in accordance with the provisions of this section.

C. If approved, the National Board of Trustees shall notify each subordinate lodge by registered mail of the total votes cast and how each subordinate lodge in the Order cast its votes.

### **Section 4. Administrative Fees**

A. Each subordinate lodge shall pay through their respective state lodge and where there is no state lodge, directly to the Grand Lodge, a lodge administrative fee in the amount of Twenty-Five dollars (\$25.00).

B. The lodge administrative fees shall become due and payable on November 1 of each year.